

EXHIBIT TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT

CIVIL ACTION NO. **4:17-cv-01332**

# **EXHIBIT C**

Malika Riley  
January 24, 2019

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MALIKA RILEY )  
Plaintiff, )  
V. ) Civil Action No.  
CHEVRON PHILLIPS CHEMICAL ) 4:17-cv-01332  
CORPORATION, LP )  
Defendant. ) JURY DEMANDED

\*\*\*\*\*  
ORAL/VIDEOTAPED DEPOSITION OF

MALIKA RILEY

JANUARY 24, 2019

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ORAL/VIDEOTAPED DEPOSITION OF MALIKA RILEY,  
produced as a witness at the instance of DEFENDANT, and  
duly sworn, was taken in the above-styled and numbered  
cause on Thursday, JANUARY 24, 2019, from 10:16 a.m. to  
6:20 p.m., before Kathleen Rossi Tyler, CSR in and for  
the State of Texas, recorded by machine shorthand, at  
the offices of ROSENBERG & SPROVACH, 3518 Travis, Suite  
200, Houston, Texas, pursuant to the Federal Rules of  
Civil Procedure and the provisions stated on the record  
or attached hereto; signature having been waived.

JOB NO. 1-286079

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1 A. Yes. Yes. I did.

2 Q. Okay. For approximately how long?

3 A. I believe it was two months I worked contract  
4 work, and I believe it was for Burnett Staffing at  
5 PeroxyChem, which is a plant in Pasadena.

6 Q. Okay. And then you moved from that contract  
7 work to the position at Chevron Phillips Chemical?

8 A. Yes, ma'am.

9 Q. When did you start at Chevron Phillips  
10 Chemical?

11 A. January of 2015.

12 Q. And you were there until November 2016; is that  
13 correct?

14 A. Yes, ma'am.

15 Q. Okay. I'm going to come back to Chevron  
16 Phillips Chemical, but I want to move a little bit past  
17 that. After you were terminated from Chevron Phillips  
18 Chemical, where did you work next?

19 A. After Chevron Phillips, I worked for a few  
20 contract agencies, and then the employer was 24Hr  
21 Safety in a full-time role.

22 Q. What was the first contract agency you worked  
23 for after Chevron Phillips Chemical?

24 A. I'm mistaken. I did not work during that  
25 period. After Chevron Phillips I applied to several

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1 Q. And -- and just for clarification, what  
2 position did you apply for at CP Chem?

3 A. Human resources business partner.

4 Q. And you said you had an interview?

5 A. Yes, ma'am.

6 Q. Okay. How many interviews did you have?

7 A. I believe it was three.

8 Q. Were they all at one time, or were they -- did  
9 you have to go in multiple times for interviews?

10 A. I had to go in multiple times.

11 Q. Okay. Who did you interview with?

12 A. There was a phone interview. I don't recall  
13 who was on that phone interview. Then I received an  
14 on-site interview with Julie Fleet, Kristin Cothren,  
15 Rita Tolleson, and the technical manager. I don't  
16 recall his name.

17 Q. Did you have an understanding when you applied  
18 for the position that -- the HR business partner  
19 position -- that it was for a particular group at Cedar  
20 Bayou that you would be supporting in that role?

21 A. Yes.

22 Q. Which group?

23 A. Operations.

24 Q. And so the on-site interview included one  
25 interview where Julie, Kristin, Rita, and the tech

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1 manager all participated?

2 A. Yes, ma'am.

3 Q. And then you said there was a third interview?

4 A. Yes, ma'am.

5 Q. Tell me about that one.

6 A. That was with Mar- -- Marcela.

7 Q. Caballero?

8 A. Caballero.

9 Q. What's Marcela's position or what was it at the  
10 time?

11 A. I believe it was HR director.

12 Q. What was Julie Fleet's position at the time?

13 A. HR manager.

14 Q. And Kristin Cothren's?

15 A. HR business partner.

16 Q. Rita Tolleson?

17 A. HR assistant.

18 Q. Okay. And then the tech manager was the tech  
19 manager?

20 A. Yes, ma'am.

21 Q. Okay. And did the on site -- you had an  
22 on-site interview with Marcela Caballero?

23 A. I was asked to go to The Woodlands location of  
24 the corporate office.

25 Q. And was that just with Marcela? Did anyone



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1 else participate in that interview?

2 A. I don't recall who else I met with, but I did  
3 meet with Marcela that day.

4 Q. Okay. About how long did the interview process  
5 take between the time you first had an interview or  
6 applied and then the time that you actually received an  
7 offer?

8 A. It took about three weeks.

9 Q. And did Julie extend the offer to you  
10 personally?

11 A. No. Kristin Cothren sent me the offer. I  
12 believe Julie did call me to communicate my acceptance.

13 Q. Between the time that you got the offer and the  
14 time you accepted, about how much time passed during  
15 that period?

16 A. I received the offer. Within a week of  
17 receiving the offer I was given a start date and stated  
18 that I would like to start in January. I received the  
19 offer at the end of December and already had some  
20 things, travel arrangements in place. So they agreed  
21 to start me in January.

22 Q. Okay. And that's January 2015, correct?

23 A. Yes, ma'am.

24 Q. Did you note any -- so you -- you understood  
25 when you applied for the position that you would be

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1 reporting to Julie Fleet at -- who held the HR manager  
2 role; is that right?

3 A. Yes, ma'am.

4 Q. Did you know anything about Julie Fleet when  
5 you applied for the job?

6 A. No, ma'am.

7 Q. Did Roy Watson give you any insight about her  
8 when you applied for the job?

9 A. No, ma'am.

10 Q. At any point during the interview process, did  
11 -- did anybody talk to you about Julie Fleet?

12 A. No, ma'am.

13 Q. Did you ask anybody any questions about her?

14 A. No, ma'am.

15 Q. Okay. What was your understanding of the  
16 responsibilities of the role of HR business partner  
17 when you applied for the job?

18 A. I knew that there were several  
19 responsibilities. I knew it would be very similar to  
20 other business partner and generalized roles that I  
21 held. I knew I would be supporting the operations  
22 department. I knew I would re- -- would be responsible  
23 for employee relations, investigations, some comp and  
24 benefits, typical HR generalist, business partner  
25 responsibilities.

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1 Q. Did you say typical --

2 A. Yes, ma'am.

3 Q. -- HR business partner generalist  
4 responsibilities?

5 A. Yes, ma'am.

6 Q. Okay. What specifically were your  
7 responsibilities with respect to employee relations?  
8 What did that entail at CP Chem?

9 A. So with employee relations, I was responsible  
10 for attending to the needs of my client group with  
11 regard to any benefits, concerns that employees in my  
12 client group needed assistance with, investigations  
13 that needed to be conducted, recruiting efforts that  
14 needed to be conducted, providing support/performance  
15 management for my clients, policy  
16 review/interpretation. I led a number of product --  
17 projects.

18 Q. What type of projects did you lead?

19 A. Implementation of policies related to hourly  
20 hiring and changes and updates to current policies that  
21 were in place throughout the location.

22 Q. How many employees were in the operations group  
23 at the time that you supported the group?

24 A. Approximately 300, plus.

25 Q. Did you consider that to be a large group of

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1 employees to support in your HR role?

2 A. No.

3 Q. Okay. Did you have a high volume of activity  
4 supporting that group in these various functions that  
5 you performed?

6 A. Yes.

7 Q. Was there one particular thing that would --  
8 that dominated more with this group in terms of the --  
9 the support you provided?

10 A. The need for me to be out client-facing in the  
11 plant, which is not out of the ordinary. I was very  
12 familiar with engaging with my clients, with employees  
13 out in the field.

14 Q. So you were used to doing that, but for this  
15 particular group, that was sort of one of the things  
16 that took up most of your time. Is that a fair  
17 characterization?

18 A. Yes, ma'am.

19 Q. And you would be out client-facing in the plant  
20 for what type of -- of issues?

21 A. Meetings. When we rolled out new policies or  
22 procedures related to time and attendance or policy  
23 changes, updates, and during benefits time to engage  
24 with employees and assist as needed with any concerns  
25 or issues as well as during investigations or different

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1 training opportunities that I would either have to  
2 participate in or lead.

3 Q. Did you conduct investigations into employee  
4 complaints for the operations group?

5 A. Yes, ma'am.

6 Q. Did you handle a lot of those in the time that  
7 you supported the operations group?

8 A. Yes, ma'am.

9 Q. Can you -- can you tell me approximately how  
10 many investigations you handled when you supported the  
11 operations group?

12 A. I would say between 15 and 20.

13 Q. Did any of those investigations involve a  
14 termination at the end of the investigation?

15 A. I believe maybe one.

16 Q. And the 15 to 20 investigations that you're  
17 describing when you supported the operations group,  
18 were you the lead investigator as the HR business  
19 partner for the operations group in those  
20 investigations?

21 A. Yes, ma'am.

22 Q. And the one that you said involved a  
23 termination, that termination decision would have been  
24 reached based on the information you collected in your  
25 investigation; is that correct?

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1 A. Correct.

2 Q. And did you support that termination?

3 A. Yes, ma'am.

4 Q. Did you recommend that termination as a result  
5 of your investigation?

6 A. Yes, ma'am.

7 Q. Do you recall what the reason or the issue was  
8 in that particular investigation that resulted in a  
9 termination?

10 A. I don't recall the exact reason.

11 Q. Was the employee terminated for cause?

12 A. No, ma'am.

13 Q. There was no cause associated with the  
14 termination?

15 A. Can you explain what you mean, "for cause"?

16 Q. Do -- do you understand what that term means in  
17 connection with your function as an HR business partner  
18 when you terminate an employee for cause?

19 A. There's a specific reason as to why an employee  
20 is being terminated and also as it relates to our --  
21 the random process with drug screens and -- and  
22 medical-related items.

23 Q. So just so I understand -- make sure that I'm  
24 understanding you correctly -- it's your understanding  
25 that "for cause" in the context of terminating someone

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1 means that there's a specific reason for terminating  
2 them --

3 A. Yes.

4 Q. -- is that right?

5 A. Yes.

6 Q. The reason might be related to -- I think you  
7 said a random drug testing process; is that right?

8 A. Yes, yes.

9 Q. And you said it could be medical-related items  
10 as well, or were you saying those are the same things?

11 A. The same thing.

12 Q. Okay. So one of the specific reasons that  
13 might constitute cause in terminating someone is the  
14 results of a random drug testing process; is that  
15 right?

16 A. Correct.

17 Q. What are some of the other reasons that you  
18 understand, as an HR business partner and professional,  
19 might constitute a specific reason or cause to  
20 terminate an employee?

21 A. There are several. Threats, acts of violence,  
22 job abandonment. There are several reasons for -- that  
23 would be for -- considered for cause for terminating an  
24 employee.

25 Q. Okay. Can you think of any others based on

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1 your experience in HR what might constitute cause?

2 A. Egregious acts.

3 Q. Such as?

4 A. A violation of -- a willful violation of  
5 company policy or, again, threats or acts of violence  
6 against other employees, if an employee failed a drug  
7 test, if an employee doesn't show up from [sic] work,  
8 if an employee fails to perform duties.

9 Q. Any others you can think of?

10 A. No, not off -- not at this time.

11 Q. Okay. And the one that you were involved in,  
12 do you -- of the things that you just listed, did that  
13 jog your memory as to what type of issue was involved  
14 in the termination that you supported and recommended  
15 when you supported the operations group at Cedar Bayou?

16 A. Yes.

17 Q. What was it?

18 A. For that employee, he violated company policy  
19 and was placed on leave and didn't abide by the terms  
20 of the leave that he was placed on.

21 Q. What policy did he violate?

22 A. I don't recall at this time.

23 Q. And you said that the employee was placed on  
24 leave and did not abide by the terms of his leave. How  
25 did he not abide by the terms of the leave?



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1 three with an operations employee, an operator, from  
2 before my leave.

3 Q. Okay. The one that you're describing where the  
4 employee was terminated, does any of that jog your  
5 memory as to whether or not it was the engineering  
6 group, the lab group, or an operator?

7 A. He was in the engineering group.

8 Q. And then the other two that you're thinking or  
9 recalling that may have been going on between October  
10 and November 2016, the other two investigations, one of  
11 them being the lab group, do you recall whether or not  
12 that investigation was completed before your  
13 termination?

14 A. I don't recall.

15 Q. And then I know you said the third one it could  
16 have been an operator. Do you recall if that  
17 investigation was completed?

18 A. Yes. That one was prior to my going -- I  
19 believe that was prior to my going out on leave.

20 Q. Okay. And so the engineering one is the one  
21 that you think the employee was terminated that you  
22 -- we had just been discussing, and that was ongoing at  
23 the time of your termination, correct?

24 A. Correct.

25 Q. The lab investigation, you said you don't

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1 remember if that one was completed before your  
2 termination; is that correct?

3 A. Correct.

4 Q. And then this third one, you think that was  
5 actually an investigation that occurred before you went  
6 out on leave?

7 A. Yes, ma'am.

8 Q. And so that would have been before October or  
9 November 2016 --

10 A. Yes, ma'am.

11 Q. -- that that one was going on, correct?

12 A. Yes, ma'am.

13 MS. WILLIAMS: Okay. Do you want to take  
14 a quick break?

15 MS. SPROVACH: Perfect timing.

16 THE WITNESS: Yes.

17 MS. WILLIAMS: Yes.

18 MS. SPROVACH: Thank you.

19 THE VIDEOGRAPHER: We're off the record  
20 at 11:40.

21 (Break.)

22 THE VIDEOGRAPHER: We are on the record  
23 at 11:58.

24 Q. (BY MS. WILLIAMS) Ms. Riley, we've just taken  
25 a short break. Are you ready to resume?

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1 A. Yes.

2 Q. Is there anything about your testimony thus far  
3 that you want to revisit or change for any reason?

4 A. No.

5 Q. Okay. We were kind of on a line of questioning  
6 about some of your duties that led us to talk about  
7 your experience with investigations. I want to go  
8 back, though, to the time that you started at CP Chem  
9 in January of 2015. What was your compensation at that  
10 time?

11 A. I believe it was 90 -- 95,000. Between 90 and  
12 95,000.

13 Q. Okay. And did -- did you participate in a  
14 bonus plan?

15 A. Yes.

16 Q. And you had benefits as well?

17 A. Yes, ma'am.

18 Q. Okay. From -- how long was Julie Fleet your  
19 supervisor at CP Chem?

20 A. For a little over a year before Melissa got  
21 there.

22 Q. So from January 2015 until approximately when  
23 -- January 2016 was Julie Fleet your supervisor?

24 A. Yes.

25 Q. Okay. And Melissa Simpson became your

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1 supervisor in February of 2016 approximately?

2 A. Yes. I believe that's when she transferred  
3 from Saudi Arabia --

4 Q. Okay.

5 A. -- to Cedar Bayou site.

6 Q. Okay. Do you know why Julie Fleet left Cedar  
7 Bayou?

8 A. If I recall correctly, they moved her to the  
9 corporate office at The Woodlands to take on a  
10 different role within HR, and that made an opportunity  
11 available for Melissa Simpson to transfer back to the  
12 States.

13 Q. Okay. Was Julie -- to your knowledge, was  
14 Julie Fleet still employed at the company at the time  
15 of your termination?

16 A. Yes.

17 Q. Have you talked to her about your lawsuit?

18 A. No. I haven't. I reached out to Julie Fleet  
19 shortly before I was terminated to ask if she knew any  
20 reason why I was experiencing some of the things that I  
21 was experiencing or if she could help provide me  
22 guidance on what I should do with some of the concerns  
23 I was facing.

24 At that time I also reached out to legal  
25 that I had worked with during the course of my

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1 Q. And you did not speak to them at any point --

2 A. No, ma'am.

3 Q. -- in connection with that?

4 A. Correct.

5 Q. Okay. During the time that Julie Fleet was  
6 your supervisor, do you have any complaints in this  
7 lawsuit about that period of time?

8 A. No.

9 Q. How would you describe Julie Fleet as a  
10 supervisor or manager based on your experience?

11 A. Based on my experience, I thought Julie was a  
12 great manager. She was very open. She communicated  
13 well. She made it a point to get to know her employees  
14 and understand their needs and concerns, and she was  
15 very engaged. At any given time I could go to her in  
16 her office, and I felt comfortable talking with Julie.  
17 She showed me support. So I had no concerns with the  
18 way Julie's man- -- with Julie's management style at  
19 all.

20 Q. How did you learn that Julie would be moving  
21 from Cedar Bayou to another position?

22 A. Julie communicated that to the team.

23 Q. In a group setting?

24 A. Yes, ma'am.

25 Q. When she communicated this to you, did she also

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1 indicate to you who would be replacing her?

2 A. Initially, no. I don't think she knew or at  
3 least she did not communicate that to the team. It  
4 wasn't until shortly before her departure to The  
5 Woodlands location that it was disclosed that Melissa  
6 would -- Melissa Simpson would be transferring from the  
7 Saudi Arabia site to Cedar Bayou.

8 Q. And so that would have been the first time that  
9 you learned that Melissa Simpson was coming into the  
10 role?

11 A. Yes, ma'am.

12 Q. Did you know anything about Melissa Simpson at  
13 that point?

14 A. No. I didn't, other than what others that had  
15 previously worked with her in some capacity  
16 communicated. I did not know her personally. I had  
17 maybe one or two conversations with her about positions  
18 for employees that had transferred to her location in  
19 Saudi Arabia or vice verse to Texas to Cedar Bayou.

20 Q. Okay. That -- that would have been while she  
21 was in Saudi Arabia?

22 A. Yes, ma'am.

23 Q. Those communications, was that by e-mail, by  
24 phone, what -- what method?

25 A. Both.

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1 Q. Okay.

2 A. And it was related to concerns that one of her  
3 employees had at the time, Sam Mondragon. There was  
4 something that had been done incorrectly, and I picked  
5 up on it and assisted him. She reached out to me  
6 initially and apologized for any miscommunication or  
7 error on his part, and I assured her that it was not a  
8 problem and however I could help. And that was my very  
9 first time talking with her over the phone.

10 Q. Okay. Did you gather an impression about her  
11 from that interaction at all one way or the other?

12 A. I didn't. I -- I thought she seemed pretty  
13 nice over the phone. It was not a long conversation.  
14 It was a brief conversation, and I really didn't have  
15 any impression at that point in time.

16 Q. You also said that you had heard things from  
17 others about Melissa before she came on as the HR  
18 manager. What things had you heard from others about  
19 Melissa before she started as HR manager?

20 A. My HR assistant, Rita Tolleson, had  
21 communicated that she worked with her previous at CP  
22 Chem in another capacity before Melissa had become an  
23 HR manager and communicated that she was -- she was  
24 okay, that she's -- she's hard. She can be difficult  
25 at times, but otherwise she thought everything would go

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1 smoothly with the transition.

2 She didn't elaborate either way whether  
3 or not she thought Melissa would fit in well with our  
4 group or whether those in the group would be very  
5 receptive to her.

6 Also other conversations with my peers  
7 were that Melissa was very close to Marcela and they  
8 were pretty much best friends and that you don't cross  
9 Melissa and you don't cross Marcela because it might  
10 not be beneficial to your career.

11 And I received similar feedback from --  
12 from others at Cedar Bayou that at some point in time  
13 had worked with Melissa before, and it was not positive  
14 in nature, the feedback that I received.

15 Q. Okay. So the communications that you got from  
16 your peers about Melissa, that was before Melissa  
17 started?

18 A. Yes.

19 Q. And they told you she was close to Marcela.  
20 You shouldn't cross Melissa or Marcela because it might  
21 not be beneficial to your career; is that right?

22 A. Yes.

23 Q. What else, if anything, did they tell you about  
24 Melissa before she started?

25 A. I was told that she may not be the easiest



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1 person to work with, and that's really all I can recall  
2 at this time.

3 Q. Who were the peers that shared this with you  
4 about Melissa?

5 A. Kristin Cothren, Chris Reed, and Adam Sainato.  
6 And that was it.

7 Q. What -- did you understand that they were  
8 basing these comments on prior working experience that  
9 they had with her, or that that was her general rep --  
10 reputation?

11 A. It was prior -- both.

12 Q. Okay.

13 A. Prior work experience and the general  
14 reputation.

15 Q. And based on their experience and her general  
16 reputation, they believe that Melissa was difficult to  
17 work with?

18 A. Yes.

19 Q. Across the board?

20 A. Yes.

21 Q. And then you said you heard similar things from  
22 others at Cedar Bayou that were not positive about  
23 Melissa; is that right?

24 A. Yes.

25 Q. Who were these others that you heard similar

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1 things about at -- at Cedar Bayou?

2 A. The operations manager at the time, and one of  
3 our operations meetings, it was just hisself [sic],  
4 myself, and some of the superintendents. He had worked  
5 with her in a past experience, and it was known that  
6 their relationship was not good. There was not good  
7 feelings between Melissa towards Tom and towards --  
8 from Tom towards Melissa, and everyone was quite aware  
9 and wondered how things were going to turn out as Tom  
10 Sessions was the operations leader and Melissa was  
11 coming to the site as the HR manager.

12 Q. Uh-huh.

13 A. So there was a lot of apprehension amongst HR  
14 employees, amongst operations employees. And it was  
15 known that Melissa wasn't the easiest person to get  
16 along with and --

17 Q. Okay. Other than Tom Sessions, can you recall  
18 anyone else at Cedar Bayou who expressed these concerns  
19 or opinions about Melissa?

20 A. I know that there were -- it was communicated  
21 to me that there were issues between Melissa and Julie  
22 Fleet prior to Melissa coming. There were some  
23 personal issues that transpired between them is -- is  
24 what I'm -- was told, and they were not fans of each  
25 other. And it was quite evident when Melissa got

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1 presence. You could sense that there was tension, that  
2 they didn't want to be in the same room, but the -- it  
3 wasn't a warm and fuzzy feeling.

4 Julie was very short in her turnover with  
5 Melissa, and the same with Melissa. Just based on my  
6 knowledge and what I witnessed, Melissa was somewhat  
7 upset because she didn't feel like Julie did the proper  
8 turnover with her before transferring to The Woodlands.

9 Q. She expressed that to you, Melissa did?

10 A. She did not say it to me, but I overheard the  
11 conversation.

12 Q. Who -- to whom was Melissa speaking when you  
13 overheard that conversation?

14 A. Kristin Cothren.

15 Q. Okay.

16 A. And Kristin also confirmed that in a  
17 conversation that we had.

18 Q. So based on what you were hearing before you  
19 actually started working with Melissa, it sounds like  
20 there were a lot of people who had the opinion that  
21 Melissa was difficult to work with; is that right?

22 A. Yes, ma'am.

23 Q. Did anyone ever give you any specific examples  
24 of issues that they had with Melissa other than just  
25 generally describing that she was difficult to work

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1 with or not the easiest person to work with?

2 A. Yes, ma'am.

3 Q. Okay. What were some of the specific examples  
4 you got and from whom?

5 A. From my peers, Kristin Cothren and Chris Reed.

6 Q. Okay. What did Kris- -- Kristin tell you about  
7 her interactions with Melissa?

8 A. Kristin said that Melissa is very difficult,  
9 that she has expectations of her team that are  
10 sometimes unrealistic. Kristin returned from her  
11 medical leave after having a very serious surgery,  
12 prematurely, and suffered some setbacks of her  
13 own. She was very upset and communicated to me that  
14 she felt she didn't have a choice but to return for  
15 fear of something happening or Melissa being unhappy  
16 with her for being out.

17 She was originally supposed to, under  
18 doctor's orders, be out approximately two to three  
19 months after her procedure. And she came back maybe a  
20 month and a half and suffered several medical setbacks  
21 because of it.

22 Q. Did she say that Melissa forced her to come  
23 back?

24 A. She didn't say "forced," but it was very  
25 apparent to her that she felt like she couldn't receive

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1 the proper recuperation and healing before she had to  
2 come back.

3 Q. Did her doctor clear her to come back to work  
4 early?

5 A. I believe so.

6 Q. Okay. So she said her doctor medically thought  
7 she could come back, but then she felt some type of  
8 pressure to come back?

9 A. Before she even came back, she did feel the  
10 pressure to come back.

11 Q. Okay. But Melissa never actually demanded that  
12 she come back. Is that your understanding?

13 A. Not to my knowledge.

14 Q. Okay. Were you at Cedar Bayou when this  
15 occurred?

16 A. Yes, ma'am.

17 Q. Okay. What time frame was that?

18 A. It was before my leave.

19 Q. Okay.

20 A. I want to say May or June.

21 Q. So Kristin went out on leave sometime around  
22 May or June?

23 A. I believe so, yes.

24 Q. And was gone for about a month and a half. So  
25 she came back in either June or July?

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1       A.     She came back maybe two weeks -- two or three  
2 weeks before I went out. Kristin also made comments  
3 that she felt like she never could do anything right  
4 with Melissa and that Melissa's expectations were  
5 unrealistic and that at times she could be harsh and  
6 not always fair in the way that she does things.

7       Q.     Okay. Anything else that Kristin described  
8 about Melissa to you?

9       A.     There were several things, but that was some of  
10 the things that really come to mind. I know Kristin  
11 did make a comment to me before I went on leave or  
12 comments to me before I went on leave as well as after  
13 I got back that she was looking for another job. She  
14 was going to quit if things continued down the road and  
15 Melissa stayed at Cedar Bayou.

16               And that was pretty much a consensus.  
17 Everyone on the team felt like they just couldn't --  
18 she was just so hard to work with and for. She was  
19 very different from Julie. Chris Reed expressed the  
20 same concerns, but he just said, "I'm just going to try  
21 to do whatever I can to get on her good side because I  
22 fear not being on her good side." And that was pretty  
23 much the consensus throughout the group.

24       Q.     And so I just want -- the specific example you  
25 gave me about Kristin, that's all that you can recall

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1 right now about any specific interaction or issues she  
2 had with -- with Melissa?

3 A. Yes, ma'am. The only other thing, Melissa  
4 would call her a lot on her off time, and she always  
5 felt like she had to be there and had to be working.  
6 She made the comment that because Melissa didn't have  
7 kids and she was newly married that she expected that  
8 everyone else should operate like she operates and  
9 should be, you know, devoted and committed to the job  
10 around the clock is how others felt.

11 Q. Did you say "how others felt"?

12 A. Yes. Kristin and -- and Chris.

13 Q. Okay.

14 A. As well as Jill, the admin assistant; Rita, and  
15 Rita retired early as a result.

16 Q. So Jill -- what's Jill's last name? I'm sorry.

17 A. Oh, goodness. I don't remember Jill's last  
18 name. She was the HR assistant.

19 Q. Okay. That's fine. If it comes to you, just  
20 let me know. Otherwise we'll stick with Jill.

21 A. Okay.

22 Q. And she was an admin assistant, correct?

23 A. Yes, ma'am.

24 Q. Okay. And Rita Tolleson, you said they  
25 basically agreed with all of this, that she -- that

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1 Melissa expected everyone to be devoted and around the  
2 clock?

3 A. Right.

4 Q. Did they give you any specific examples of  
5 issues or problems they had with Melissa Simpson, Jill  
6 and/or Rita?

7 A. Rita stated that, you know, she felt that  
8 Melissa was very demanding in what she asked for at  
9 times, and she felt stressed, like she had to go above  
10 and beyond to appease Melissa, very similar to the way  
11 that all of us felt.

12 Jill -- I know that there was one point  
13 in time where Jill feared that Melissa was going to  
14 fire her, that she was concerned about not meeting  
15 Melissa's expectations, and she thought that they were  
16 unrealistic at times. And she was trying to do  
17 everything that she could to keep Melissa happy so that  
18 she didn't get on her bad side.

19 Q. Okay. Was Rita still there when you were  
20 terminated?

21 A. Yes, ma'am. She had gone out on a medical  
22 leave, and she was on leave at the time that I was  
23 terminated.

24 Q. Did Rita report directly to you or directly to  
25 Melissa or someone else?



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1       A.    She reported directly to Melissa, but she  
2 supported me and my client group.

3       Q.    And what about Jill?

4       A.    Jill reported directly to Melissa, and she  
5 supported Chris Reed and his client group.

6       Q.    Was Jill the equivalent of Rita for Chris  
7 essentially?

8       A.    Yes, ma'am.

9       Q.    Got it. Okay. Okay. Did Chris Reed ever give  
10 you any specific examples of issues or problems that he  
11 had with Melissa Simpson?

12       A.    Yes. When Melissa got there, Chris felt as  
13 though -- what he communicated to myself and Kristin as  
14 well was that he could do no right with Melissa. He  
15 didn't understand what her problem was with him. He  
16 felt that Melissa didn't like him for whatever reason,  
17 so he had to be creative in finding ways to try to stay  
18 on her good side.

19               And Kristin did tell me that when Melissa  
20 got there that she thought -- Melissa had told her that  
21 she thought that Kristin and I do more work and produce  
22 more than Chris, and she didn't know how long that was  
23 going to last.

24       Q.    What did you take that to mean, "didn't" --  
25 "didn't know how long that was going to last"?

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1 with me, I told her, I said, "Melissa, for everything  
2 in this performance improvement plan, I have pause  
3 with. I have concerns because this is not" -- "a lot  
4 of this is not true." And I did explain to her that I  
5 did not agree with the performance improvement plan.

6 But she assured me that if I just signed  
7 it and if I just went through the plan, everything  
8 would be fine. I did not put up a fuss. I did not  
9 fight with her about it. That wasn't my place as the  
10 subordinate. But she knew full well -- Chris Reed was  
11 in on that meeting. I stated I did not agree with it.

12 Q. Okay. You said it took her a while to get the  
13 document together. What do you mean "a while"?

14 A. It took --

15 Q. You knew that you were getting the PIP, but  
16 then it took a while to actually get the document?

17 A. Well, she communicated to me -- I want to say  
18 it was days before that she wanted to have a meeting  
19 with me. She didn't state exactly what it was at the  
20 time, but when we got in to the meeting, it sounded  
21 like -- when -- when we initially met before the actual  
22 PIP meeting --

23 Q. Uh-huh.

24 A. -- she did state that she was going to be  
25 putting me on a performance improvement plan or coming

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1 up with ways to work with me to help correct issues or  
2 concerns. But she never stated verbatim what those  
3 were.

4 So naturally when I got the document in  
5 front of me that she put together, I was shocked. I  
6 was -- I was completely shocked, especially since I had  
7 received accolades before. I hadn't had any other  
8 disciplinary conversations or letters or anything  
9 before prior to being put on a performance improvement  
10 plan.

11 And as an HR professional for years, I  
12 didn't understand that because in every company that  
13 I've worked for, we -- it was never a shock to an  
14 employee. There was always steps that led up to  
15 progressive discipline.

16 Q. Uh-huh.

17 A. I had never had any of that from Julie, from  
18 Melissa to that point or from anyone else.

19 Q. So from the time that Melissa became your  
20 supervisor in February 2016 until the time that you  
21 were sitting in the meeting and she presented the PIP  
22 with you, is it your testimony that she had never  
23 talked to you about any type of performance issues she  
24 thought you were having?

25 A. She had not talked to me based on the

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1 Kristin and Chris would come to you and tell you that  
2 they had meetings with Melissa where Melissa told them  
3 about performance issues that she thought each of them  
4 was having; is that right?

5 A. Yes. As well as myself.

6 Q. Melissa shared with Kristin and Chris what  
7 performance issues you were having; is that right?

8 A. Yes. Correct. Yes.

9 Q. And it's your testimony that Melissa, between  
10 the time that she became your supervisor and the time  
11 that you received the PIP document, she had never had  
12 similar conversations with you about any performance  
13 issues she thought you were having?

14 A. Correct.

15 Q. Okay. Between the time that Melissa became  
16 your supervisor and the time that you were placed on  
17 the PIP, had you made any mistakes in performing your  
18 job duties?

19 A. Yes, ma'am. I had made mistakes. And -- and I  
20 own the mistakes that I made, but they weren't anything  
21 different than the mistakes that my peers -- my peers  
22 had communicated to me that they had made and  
23 communicated to me that she had talked to them about.

24 Q. So she was telling them -- she was telling  
25 Chris and Kristin that "Malika is making A, B, C

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1 mistakes"?

2 A. Correct.

3 Q. Correct?

4 A. Yes, ma'am.

5 Q. She never came to you and said, "Malika, I  
6 think you're making A, B, C mistakes"; is that right?  
7 Is that your testimony?

8 A. No. That is not correct.

9 Q. Okay.

10 A. At -- at some point or another we did discuss  
11 that I had made a mistake, whether it was typing up a  
12 memo or communication and she found errors in it or if  
13 I brought it to her attention that I made a mistake, we  
14 did discuss that. But it wasn't in a disciplinary  
15 fashion to where I felt as though it would lead up to a  
16 performance improvement plan.

17 Q. How soon after Melissa became your supervisor  
18 do you recall her expressing any issues she had with  
19 your performance?

20 A. I'm sorry.

21 Q. Whether she was bringing to your attention  
22 mistakes that she thought you made or she was  
23 correcting something that you did, how soon after she  
24 became your supervisor did you have -- do you recall  
25 having that type of conversation with her?

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1       A.     Before having that conversation, it may have  
2     been maybe a month before she put me on the improvement  
3     plan.

4       Q.     Does -- do you recall getting placed on the  
5     performance improvement plan near the end of June 2016?

6       A.     Yes, ma'am.   Shortly before my surgery.

7       Q.     Okay.   And it's your testimony that the first  
8     time Melissa had ever pointed out to you any type of  
9     mistake or concern she had about your performance was  
10    in May of 2016?

11      A.     To my recollection it was between May and the  
12    point in time in which she put me on that plan.   And it  
13    was -- it was minor errors, and I -- I recall thinking,  
14    "Why am I getting dinged on this?"   It was a simple  
15    honest, mistake that I was quick to correct and  
16    address, and it's not anything different than mistakes  
17    that my peers have made.

18      Q.     Okay.   So the -- the mistake or mistakes that  
19    Melissa pointed out to you for the first time in May of  
20    2016 that you say were minor errors, what -- what were  
21    those mistakes that she pointed out to you?

22      A.     I don't remember all of the things that we  
23    discussed during that time, but I think there were  
24    errors on some communications, e-mails that I had sent  
25    to just her, that -- grammatical errors on -- on one of

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1 the forms -- oh, goodness. On some of the form,  
2 errors, that we use in our recruiting process, I  
3 believe, there were errors there.

4 I don't remember exactly, but they  
5 weren't egregious in nature. They weren't things that  
6 -- that would lead someone to believe they're justified  
7 for a performance improvement plan. I -- I didn't -- I  
8 didn't have any significant errors where somebody got  
9 paid incorrectly. I didn't have any significant errors  
10 where I violated policy or it would result in  
11 disciplinary action for me at all, not even verbal  
12 conversations to where I knew that this is pretty  
13 serious, it could result in further disciplinary  
14 action. It was just -- it seemed like minor things.

15 Q. They were minor to you; is that right?

16 A. Yes, ma'am.

17 Q. Did they appear to be minor to Melissa when she  
18 communicated with you about them?

19 A. It was framed in a manner by Melissa that this  
20 -- these were the -- the errors, and it -- it -- it  
21 seemed minor. She -- she didn't seem upset or -- or  
22 like it was a major issue or -- or incident in -- in  
23 our dis- -- I took it as a learning -- a coaching even.  
24 I -- I did not take it any -- in any way that I thought  
25 it would result in a performance improvement plan.

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1 Q. And, again, we're talking about a conversation  
2 that you say that you had with Melissa in May of 2016?

3 A. I believe that was the time frame, May -- it  
4 would have to have been in that time frame prior to me  
5 being placed on a performance improvement plan.

6 Q. Okay.

7 A. May or June time frame.

8 Q. Okay. And the mistakes that Melissa pointed  
9 out to you in this May 2016 discussion, when were those  
10 mistakes made in relation to that discussion? Had --  
11 were they recently made mistakes, or they -- were they  
12 things from earlier in the year?

13 A. They were -- they were recent. She -- she got  
14 there, I believe, mid to late February. And we really  
15 -- really didn't start working on anything together  
16 until maybe March, April time frame. And then I want  
17 to say in -- in May or -- or early June, if it would  
18 have been in that time frame if she would have  
19 mentioned anything --

20 Q. Okay.

21 A. -- that I can recall.

22 Q. So between February, when she started as your  
23 supervisor, and May of 2016, were you making any type  
24 of mistakes in performing your job duties?

25 A. Of course. I -- I've made -- I made my fair



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1 share of mistakes.

2 Q. What kind -- type of mistakes were you making  
3 between February and May of 2016 before you had this  
4 conversation with Melissa about your mistakes?

5 A. Between February when she got there to May, I  
6 really can't recall anything other than e-mail  
7 communications. If she would -- and she was a  
8 stickler. If -- if she sent you an e-mail and you  
9 responded back, if you didn't start with "hi," the word  
10 "hi," H-I, then she was upset about that or it was  
11 communicated that "You need to start all of your  
12 e-mails with 'hi.'" And I was baffled and I know my  
13 peers were -- they were baffled as well. They didn't  
14 understand. What difference does it make?

15 Q. That was something that she demanded of all?

16 A. Everyone.

17 Q. You, Kristin, and Chris and everyone else in  
18 the department?

19 A. In HR, correct.

20 Q. Okay. Was -- was your omission of the word,  
21 "hi," in e-mails a point raised in any discussion you  
22 had with her or in your PIP as something that you did  
23 wrong? Was she -- did she include that as a part of  
24 the PIP or --

25 A. No. She didn't.

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1 me that I could reach out to her for help on anything  
2 that I needed. So naturally I reached out to her, and  
3 then I was scolded by Melissa and told not to for  
4 whatever reason.

5 But those are things that she would deem  
6 as mistakes or things that I'd done wrong that I didn't  
7 understand how I had done anything wrong, and I stated  
8 to her, "I never said that about Marcela."

9 Q. Uh-huh.

10 A. And I didn't understand why she was accusing  
11 me. She could have come to me and just asked me did I  
12 state this.

13 Q. Okay.

14 A. And she didn't.

15 Q. Okay. And so to -- to clarify, in May of 2016  
16 when she pointed out the mistakes that she thought you  
17 were making --

18 A. Uh-huh.

19 Q. -- she only pointed out the grammatical errors  
20 in some of your e-mail communications, the conversation  
21 that Adam Sainato had where he told her that you said  
22 Marcela was a holdup in a particular process, and then  
23 where she told you not to communicate with corporate,  
24 that you have to get her clearance first. Those were  
25 the only three things in May of 2016 that she pointed

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1 out to you as concerns she had about your performance;  
2 is that correct?

3 A. Yes, ma'am. That I can recall.

4 Q. Okay. And before that, you had not had any  
5 other conversations with her at all regarding any  
6 performance issues you had. Is that your testimony?

7 A. Correct.

8 Q. Okay. And then after the May 2016  
9 conversation, you-all then had a follow-up discussion  
10 before the actual PIP meeting where she talked to you  
11 again about some performance issues; is that right?

12 A. It was a follow-up discussion -- well, it was  
13 the discussion prior to her actually putting me --  
14 where she communicated to me that she would be looking  
15 at ways to help me improve. She did not state a  
16 performance improvement plan at that time, but she said  
17 that she would be getting everything -- because I asked  
18 her for it.

19 I said, you know, "Can you give me  
20 specific details as to what you're referring to or who  
21 said" -- you know, what did I do wrong basically. And  
22 she stated that she was still putting the information  
23 -- documenting the information and she would schedule a  
24 meeting for us to go over it.

25 And at that meeting, that's when she

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1 prevented -- presented me with a performance  
2 improvement plan with a list of things that I had no  
3 knowledge of and -- and didn't understand why they were  
4 even on a performance improvement plan.

5 Q. Okay. And I'll -- we're going to look at the  
6 performance improvement plan in just a minute, but my  
7 recollection is that the -- you were presented -- or  
8 the date of the performance improvement plan is  
9 June 28th, 2016. Does that sound about right?

10 A. Yes.

11 Q. Okay. And it's your testimony that before  
12 June 28th, 2016 -- sometime between the discussion you  
13 had in May of 2016 and before June 28th, 2016, you and  
14 Melissa had a conversation where she told you she would  
15 be coming up with ways to help you; is that right?

16 A. Yes.

17 Q. Okay. And that conversation happened about a  
18 week before you actually had the meeting where she  
19 presented you with the -- the PIP?

20 A. Yes. About a week or so before as I recall.

21 Q. And it's your testimony that the things you  
22 recall being on the PIP were things that you had no  
23 idea were ever any issue in terms of your performance;  
24 is that right?

25 A. Correct..

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1       A.     She may have observed that on one or two  
2 occasions at most.

3       Q.     Okay. And kind of going back to the beginning  
4 of the time that Melissa became your supervisor, early  
5 on, did you have any particular issues with her in  
6 terms of, you know, your interactions with her from the  
7 time frame, let's say, February until May? How were  
8 you and Melissa getting along during that time frame?

9       A.     I don't recall any issues with Melissa. I'm --  
10 I'm a very accommodating person. However I can help  
11 anyone, I'm always trying and willing to help. I --  
12 there's nothing that I can think of that would have  
13 been a strain on our relationship. I would try to go  
14 out of my way to appease Melissa or make her happy so  
15 that I could stay on her good side.

16       Q.     And so from February until May, were you and  
17 Melissa getting along okay?

18       A.     I thought so.

19       Q.     Did you have any issues with her for any reason  
20 between the time period of February 2016, when she  
21 started as your supervisor, and May of 2016, when she  
22 first talked to you about mistakes you were making?

23       A.     Issues that I can recall revolve around  
24 concerns where I needed to leave. One instance I  
25 needed to leave to take my mother to one of her doctor

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1 appointments for an upcoming knee surgery.

2 Q. Uh-huh.

3 A. I had scheduled with Melissa as I would make it  
4 a practice to do in advance so that she knew and had it  
5 on the schedule. At times I sensed that she would get  
6 frustrated when I would request to use vacation. I  
7 worked, it seemed like at times, around the clock. I  
8 was always working, so I didn't think it would be an  
9 issue if I needed to leave early on a day. But I had  
10 worked over the weekend or I had put in the time  
11 somewhere else as an exempt employee. That would  
12 happen commonly.

13 But there was a time shortly after she  
14 got there -- I want to say it was in March. It was  
15 basketball season. I received a call from the school,  
16 the nurse, that my son had injured himself, and I  
17 needed to go and get him. And we found out that he had  
18 fractured his hand. He had a break in the middle of  
19 his hand, and he had to have therapy.

20 I went in to Melissa's office and I said,  
21 "Melissa, I have to leave." I said, "My son was  
22 injured. Is it okay? The work that I have to do I  
23 will take home with me. I'll get it done." And she  
24 looked at me, and she said, "Well, can't your husband  
25 take off and go take your son or go get him and take

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1 to Julie, and I wanted to give Melissa that same  
2 courtesy to let her know and so we could start planning  
3 for who would take my responsibilities while I was out  
4 on leave. I -- I provided her that information. And I  
5 felt like after that she just was -- had issues with me  
6 because of the situation, I guess. I really didn't  
7 know.

8 I stated that to Chris and Kristin, "I  
9 don't know. I just feel like Melissa doesn't like me  
10 or that she has something against me. I don't know  
11 what it is." And -- and they -- they couldn't help me.  
12 They -- they didn't know either.

13 Q. Okay.

14 A. But they noticed it.

15 Q. So your mother's doctor's appointment, what  
16 time frame was that?

17 A. That was in -- I believe that was in late  
18 March, early April --

19 Q. Okay.

20 A. -- time frame.

21 Q. And your testimony is that you sensed that  
22 Melissa got frustrated. Did she say something to you  
23 specifically that she was frustrated that you were  
24 asking to take time off to take your mom to an  
25 appointment?

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1       A.    It was her demeanor and the way that she  
2    responded to my request.

3       Q.    But she never said anything to you that she was  
4    frustrated about you?

5       A.    No.

6       Q.    Okay. And you were able to take that time off,  
7    correct?

8       A.    Yes.

9       Q.    And then with respect to your son, she asked  
10   you if your husband was available to take your son, but  
11   she ultimately said to go ahead and take the time off;  
12   is that right?

13      A.    Yes.

14      Q.    Okay. I think you identified these in response  
15   to a question I asked, whether or not you had any  
16   issues at all with -- with Melissa between the time  
17   frame of February and May of 2016. Do you recall that?

18      A.    Yes.

19      Q.    Okay. So the issues that you've had with --  
20   you had with Melissa during that time frame all  
21   centered around requests that you had to take time off  
22   from work?

23      A.    I believe that those had a lot to do with  
24   Melissa having reservations with me. Other reasons as  
25   to why, I -- I don't recall or I can't speak on. But



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1 those are the things that stand out to me.

2 Q. And that -- I just want to make sure that I  
3 have an understanding that between that time frame, to  
4 the extent you and Melissa had any issues between  
5 February and May, from your perspective, they were all  
6 related to requests that you made to take time off from  
7 work; is that correct?

8 A. Yes, ma'am.

9 Q. You can't think of any other conflict that  
10 you-all might have had during that time frame; is that  
11 correct?

12 A. No.

13 Q. Okay. That is correct?

14 A. That is correct.

15 Q. Okay. All right. Did you ever have an  
16 occasion where you requested time off with Melissa that  
17 she denied the request?

18 A. Not that I can recall.

19 Q. There were actually -- between the time period  
20 of February and May -- multiple times where you  
21 requested either to leave early or to take time off --

22 A. Uh-huh.

23 Q. -- for various reasons, correct?

24 A. Yes.

25 Q. And on all of those occasions, Melissa

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1 ultimately approved it, and you were able to take the  
2 time off, correct?

3 A. Correct.

4 Q. Okay. When did you talk to Melissa about  
5 having to take time off in July for your medical leave?

6 A. Shortly after she arrived at the site, so it  
7 would have been March time frame.

8 Q. And did you speak to her in person about that?

9 A. Yes, ma'am.

10 Q. At the time -- and was it in your office or her  
11 office? Do you recall?

12 A. I don't recall.

13 Q. Okay. Were you two the only individuals  
14 present during that discussion?

15 A. Yes.

16 Q. Okay. At the time that you first communicated  
17 to Melissa around March of 2016 that you were taking  
18 time off in July of 2016, had your request for leave  
19 already been approved by the company?

20 A. Can you restate it, the question?

21 Q. Sure. When you first talked to Melissa to  
22 notify her that you were going to be taking leave in  
23 July of 2016?

24 A. Uh-huh.

25 Q. You talked to her in March of 2016 about taking

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1 leave in July, correct?

2 A. Correct.

3 Q. Okay. When you had that conversation with her  
4 in March, had your request to take leave in July  
5 already been approved by the company?

6 A. I don't recall if it had been approved by UPMC,  
7 which was our leave administrator.

8 Q. Uh-huh.

9 A. But Julie -- I had communicated it to Julie  
10 well before Melissa got there.

11 Q. Uh-huh.

12 A. And she had approved that I was fine to take  
13 that time and I would just need to work with the new  
14 manager and get everything squared away for who would  
15 cover my role and responsibilities while I was out and  
16 start preplanning for that.

17 Q. Okay. When you talked to Melissa in March of  
18 2016 about your leave in July of 2016, what did -- what  
19 did you tell her?

20 A. I believe I sent the e-mail and communication  
21 -- the e-mail communication to her prior to my  
22 discussion with her. I may have even given her a  
23 heads-up that I was going to have to have surgery and  
24 then followed it up with the e-mail. I'm sorry. Did I  
25 answer your question?

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1 Q. I'm not sure. Let's -- we'll go back and -- so  
2 the first time you communicated with Melissa about  
3 having to take leave was in March 2016, correct?

4 A. Yes.

5 Q. You think that that initial communication may  
6 have been by e-mail or in person?

7 A. I think it was both. I either spoke with her  
8 about it, gave her the heads-up, or I followed up with  
9 the e-mail -- and I followed up with the e-mail or I  
10 sent her the e-mail, and then I followed up with a  
11 conversation.

12 Q. Okay. But all of that would have taken place  
13 in March?

14 A. Yes, ma'am.

15 Q. Okay. And when you followed up with her --  
16 well, did she respond to the e-mail to your  
17 recollection?

18 A. I recall that she did respond to one of my  
19 e-mails about needing to take leave, and her response  
20 was that we just needed to make sure that Chris or  
21 Kristin -- that we -- we meet to discuss who would be  
22 taking what responsibilities in my absence.

23 Q. Did you have any problems with that response  
24 from Melissa?

25 A. No.

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1 Q. You thought that was appropriate?

2 A. Uh-huh.

3 Q. Okay. "Yes"?

4 A. Yes. Sorry.

5 Q. That's okay. You're doing great. And when you  
6 spoke to her in person about your leave, either  
7 initially or as a follow-up to the e-mail, what did she  
8 say to you in person about your leave request?

9 A. I don't recall that she said anything about it.  
10 I know that she was okay with it. She didn't seem to  
11 have a problem with it, but she did reiterate that we  
12 just need to make sure that the work is covered and  
13 that they're -- nothing falls through the cracks and  
14 that Chris or Kristin line out what they're responsible  
15 for. We'd have to come up with a game plan.

16 Q. Okay. And between that time, March of 2016  
17 when you had the initial conversation with her  
18 notifying her that you were taking leave and then the  
19 time that you took leave, did you have any other  
20 communications with her about the fact that you were  
21 taking leave?

22 A. Not other than e-mails that may have been sent  
23 where I stated, "We're getting closer to time. This is  
24 what I'm doing to ensure that these things are taken  
25 care of by Chris or Kristin. I've met with them."

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1 Just communicating what my plans were to cover the work  
2 while I was out.

3 Q. And in response to those communications, did  
4 she ever say anything that you thought was negative  
5 about the fact that you were taking leave?

6 A. Not that I can recall. I did communicate a  
7 certain time frame in which I thought I would be on  
8 leave --

9 Q. Uh-huh.

10 A. -- because she did ask me, "How long do you  
11 think you'll be out?" I could tell from that question  
12 that she was concerned about the workload for Chris and  
13 Kristin because they were already overwhelmed with what  
14 they were working on.

15 And it seemed as though she was concerned  
16 that my workload would be more than they could handle,  
17 and she wanted to make sure that I communicated how  
18 long I anticipated I would be out and all the  
19 responsibilities that would need to be covered.

20 Q. Did you think that there was anything  
21 inappropriate about her asking you about the  
22 anticipated length of your leave to make sure that  
23 coverage was coordinated appropriately?

24 A. No. I didn't.

25 Q. Okay. What did you tell her at that time about

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1 your anticipated -- the anticipated length of your  
2 medical leave?

3 A. I told her basically what my discussions with  
4 my physician, that generally the type of surgery that I  
5 was having, the foot surgery, I'd be out six to eight  
6 weeks, if there were no complications. However, if  
7 there were complications, it might be longer. But I  
8 told her, "I don't anticipate having any complications,  
9 so it should be fine." I was thinking optimistically  
10 because I refused to think any other way, but  
11 unfortunately it didn't turn out that way.

12 Q. And so before you took leave, based on the  
13 discussions you had with Melissa, it was her  
14 understanding then that you would be out for six to  
15 eight weeks if there were no complications, correct?

16 A. Yes, ma'am.

17 Q. And she communicated with you and you  
18 communicated with her to just make sure that coverage  
19 was coordinated among your peers to pick up your  
20 workload while you were out on leave; is that right?

21 A. Yes, ma'am.

22 Q. Did you-all talk about your leave -- before  
23 your leave did you and Melissa have any other  
24 communications about your leave?

25 A. Not that I can recall other than those e-mail

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1 communications and the times that we met to discuss and  
2 go over turnover for my leave..

3 Q. Okay. At any point did Melissa -- before you  
4 took leave, did she try to suggest that your leave  
5 should be shorter than the anticipated six to eight  
6 weeks?

7 A. Not that I can recall.

8 Q. Did she say anything that left -- made you feel  
9 pressure to return before six to eight weeks if -- if  
10 that's the length of your leave?

11 A. Well, she did stress that, "There's a lot going  
12 on and, you know, we need everyone. We need the whole  
13 team." But just to make sure that the work is covered  
14 in preplanning. But she stress -- it's -- it's kind of  
15 the way that her delivery made me feel like I should do  
16 everything that I can to try to get back sooner than  
17 later. And then I already knew Kristin's experience.

18 Q. Uh-huh.

19 A. So the apprehension was already there that I  
20 don't want to be out longer than I have to because it  
21 might pose an issue for me.

22 Q. So when she stressed that a lot was going on,  
23 was -- was that true? In fact, was there a lot going  
24 on in your group at the time?

25 A. Yes.



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1 Q. Okay.

2 A. There was quite a bit.

3 Q. And then your workload being distributed among  
4 your peers would have added to their workload, correct?

5 A. Correct.

6 Q. And as a manager, do you think that was a  
7 legitimate concern that she had, just making sure that  
8 the volume of work that you-all had in the department  
9 was appropriately covered to service your clients?

10 A. Yes.

11 Q. Okay. And was it true, in fact, that to  
12 operate, you know, at -- at an optimum that the entire  
13 team was needed?

14 A. Yes.

15 Q. Okay. When you said -- I think you said she  
16 told you that, you know, kind of -- or encouraged you  
17 to get back as soon as you could, right?

18 A. Uh-huh.

19 Q. "Yes"?

20 A. Yes.

21 Q. Is there anything wrong in your mind with her  
22 saying, "Get back as soon as you can"?

23 A. Knowing what I knew at the time, I felt that it  
24 -- it was -- I felt pressured to do everything that I  
25 could to get back. And I know how -- the expectation

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1 that was set for Kristin and how she felt and how we  
2 discussed that she felt and was made to feel by  
3 Melissa.

4 Q. But the expectation was to get back as soon as  
5 you can, not sooner than you can, correct? What she  
6 said to you or whatever she conveyed to you led you to  
7 believe that she wanted you to return as soon as you  
8 could, cor- -- correct?

9 A. Yes. Correct.

10 Q. Not sooner than you could?

11 A. I felt pressured to get back as soon as I  
12 could, even if that meant sooner than I should -- than  
13 my doctor might recommend that I need to.

14 Q. Well, you would have had to have been cleared  
15 by your doctor in order to come back, right?

16 A. Right.

17 Q. And presumably your doctor would clear you when  
18 you could return, right?

19 A. Right.

20 Q. And what Melissa said to you, however she  
21 conveyed that to you, was to get back when you could,  
22 right?

23 A. Yes.

24 Q. Okay. Okay. I think we were talking about  
25 discussion -- tho- -- are those all the communications

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1 that you recall having with Melissa about your leave  
2 before you went out on leave?

3 A. Yes.

4 Q. Okay. And then you -- you took your leave in  
5 July of 2016, correct?

6 A. Correct.

7 Q. And it was originally intended to last until  
8 August of 2016, for about six or eight weeks; is that  
9 right?

10 A. Yes, ma'am.

11 Q. Between July and August of 2016, I want to  
12 break it down because I -- I do recognize, you know,  
13 from your case that you had intermittent leave and some  
14 things changed during your leave.

15 But between July 2016 and August 2016  
16 were you out full time on leave? In other words, you  
17 were not -- between July 20 -- July 2016 to August 2016  
18 you had not been cleared to do -- to perform any work  
19 during that initial part of your leave?

20 A. Between July and August, I -- I don't recall  
21 because I had a laptop, and even though I was on  
22 medication, I was sedentary, so I could respond to  
23 e-mails or I could respond to phone calls from clients  
24 or the team. So I -- I -- I believe that sounds like  
25 it could be correct that that was the time frame that I

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1 was on full leave. I -- I don't recall exactly.

2 Q. Yeah. And I -- I just want to make sure that  
3 it's -- that -- that I'm clear. There was a period of  
4 time where you were on leave, not performing any work  
5 at all?

6 A. Yes.

7 Q. Correct?

8 A. Yes.

9 Q. And at some point you were cleared to do some  
10 work from home, correct?

11 A. Yes.

12 Q. For a certain number of days a week; is that  
13 right?

14 A. Yes.

15 Q. Okay. The time that you were basically not  
16 doing any work was approximately July when you first  
17 went on leave and then sometime in August of 2016; is  
18 that right?

19 A. Yes.

20 MS. WILLIAMS: Okay. Did you guys want  
21 to take a quick break?

22 MS. SPROVACH: Yeah.

23 MS. WILLIAMS: Okay.

24 THE VIDEOGRAPHER: We're off the record  
25 at 1:25.

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1 (Break.)

2 THE VIDEOGRAPHER: We are on the record  
3 at 1:56.

4 Q. (BY MS. WILLIAMS) Ms. Riley, we just took a  
5 short break. Are you ready to resume your deposition?

6 A. Yes.

7 Q. Is there anything from your testimony up until  
8 the break that you'd like to revisit or change?

9 A. No, ma'am.

10 Q. Okay. Great. We were talking about the time  
11 period that you were on leave, and I think we'd gotten  
12 to the point where you confirmed there was a period  
13 sometime between July and August where you were on  
14 full-time leave where you weren't performing any work,  
15 correct?

16 A. Yes.

17 Q. At some point you were cleared to perform some  
18 work from home, correct?

19 A. Yes.

20 Q. Do you recall roughly the time frame that you  
21 were cleared for that work, for part-time work?

22 A. I believe it was late September through my time  
23 of return in October.

24 Q. Okay. Between August and September, were you  
25 on -- had you been released to do part-time work from

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1 home during that time frame to your recollection?

2 A. Between August and September, I believe I was,  
3 and it was for a very short period of time. That was  
4 after -- maybe it was shortly before my complications,  
5 I believe.

6 Q. And then after you had those complications, you  
7 essentially went back on full-time leave where you  
8 weren't performing any work -- is that correct -- until  
9 about late September?

10 A. I -- I believe so.

11 Q. Okay. Let's back up a little bit and talk  
12 about your medical leave itself. What specifically did  
13 you go out on leave for?

14 A. I went out on leave to have foot surgery.

15 Q. Okay. And during your leave, as we just  
16 mentioned, you had some complications, correct?

17 A. Correct.

18 Q. When did those complications arise?

19 A. I believe it was late July, early August.

20 Q. And what were those complications?

21 A. I suffered blood clots, DVT, and pulmonary  
22 embolisms that traveled from my calf through my thigh  
23 up into both my lungs.

24 Q. And DVT is deep vein thrombosis?

25 A. Vein thrombosis, yes, ma'am.

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1 your status while you're out on leave?

2 A. Yes, ma'am.

3 Q. And you did that with Melissa when you were out  
4 on leave in 2016?

5 A. Yes, ma'am.

6 Q. How did you update Melissa about your status  
7 while you were on leave?

8 A. I updated her via e-mail. I updated her via  
9 phone call, and I updated her via -- via text.

10 Q. Did you do -- use one of these methods more  
11 often than the other?

12 A. More often I used phone and text.

13 Q. Okay. And what would be the nature of the  
14 updates you provided to her by e-mail, phone, or text?

15 A. I provided her updates based on conversations  
16 with my physician that I was progressing, or when the  
17 complications arose, I provided her an update from the  
18 emergency room when I was admitted letting her know  
19 that I was having complications and I would keep her  
20 updated as to my status.

21 Q. Okay. And how did Melissa respond to you? And  
22 I mean that in two ways. First of all, did she respond  
23 to you by e-mail or over the phone or text when you  
24 provided these updates to her?

25 A. Yes.

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1 A. No. That's not what I --

2 Q. Okay.

3 A. -- I'm saying. It just seemed at certain  
4 instances that her concern was more about the workload  
5 and me getting back to work. She did ask how I was  
6 doing on occasion.

7 Q. So after your complications, she did inquire  
8 about how you were doing, correct?

9 A. Yes.

10 Q. And then she was also inquiring after your  
11 complications about the status of your return?

12 A. Correct.

13 Q. As a manager and somebody who's an HR  
14 professional, do -- do you understand why she might be  
15 interested in knowing the -- the length of any, you  
16 know, additional leave that you would have to take  
17 since she had to -- they had to kind of manage the --  
18 the workload --

19 A. Sure. I can --

20 Q. -- for your client groups?

21 A. Sure. I can understand that, and I was very  
22 proactive with letting her know every step of the way  
23 updates as to my appointments with my doctor and how  
24 things were going. So it wasn't that she wasn't  
25 getting regular updates from me as to when I or my



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1 and peers to not reach out and not make an employee  
2 feel like they're pressured to return to work. And I  
3 don't feel that I was given that same courtesy.

4 Q. So when you provided her updates and she  
5 responded to your updates, you thought that that was  
6 inappropriate for her to do, to respond to your  
7 updates?

8 A. No. I -- I thought it appropriate that she  
9 should respond to my updates. How --

10 Q. She should not have asked you when you thought  
11 you might be returning to work. That was -- that's the  
12 part that you thought was inappropriate?

13 A. That I considered as a little insensitive  
14 because I felt like she was asking in a way that "When  
15 are you going to be returning? We have all this  
16 stuff. We're having to cover your work." It wasn't  
17 just -- just to inquire as to when I thought I would be  
18 able to. It had more context of "I need you back  
19 here. I want you back." And I felt pressured.

20 Q. So when she inquired about the status of your  
21 return, in making -- in that communication, she  
22 specifically said to you, "We have a lot of work. I  
23 need you back here." Those were her words?

24 A. No. She didn't specifically state that but --

25 Q. You just felt like that was the tone --

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1 MS. SPROVACH: Hold -- hold on. Just let  
2 her -- let her finish. Are you finished?

3 THE WITNESS: Yeah.

4 MS. SPROVACH: Okay.

5 Q. (BY MS. WILLIAMS) She did not specifically  
6 state that, correct?

7 A. Correct.

8 Q. You felt like that's what she was conveying to  
9 you?

10 A. Yes, ma'am.

11 Q. But she never said that specifically, correct?

12 A. She did ask when I thought I would be returning  
13 to work.

14 Q. But she never specifically said, "We need you  
15 back here. We have a lot of work going on." She never  
16 said those things to you, correct?

17 A. She said that there was a lot going on. She  
18 said that Chris and Kristin, their workload has  
19 increased, so she did allude to the fact that "We need  
20 you back because there's" -- "they're" -- "they're  
21 overwhelmed with the workload, and your workload is  
22 causing them, I guess, more problems or more stress."

23 Q. So she alluded to those things --

24 A. Yes.

25 Q. -- by telling you that Chris and Kristin were

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1 busy?

2 A. Yes.

3 Q. Okay. How -- those communications where she  
4 made -- alluded to those things, were those e-mail  
5 communications?

6 A. Those were via conversation. Those were via  
7 phone conversation.

8 Q. So the -- the only times that she ever said to  
9 you something that alluded to the fact that you thought  
10 she wanted you to get back to work was in a phone  
11 conversation; is that right?

12 A. Yes.

13 Q. During the same time, though, you were  
14 communicating with her by e-mail and text messaging  
15 about your -- your status and your updates?

16 A. At some point during that time, it was more so  
17 via text. Eventually it was via e-mail when I was able  
18 to get back to my -- not full duty but kind of  
19 part-time duty.

20 Q. Okay. In the text messages and the e-mails did  
21 she ever allude to the fact that, you know, that they  
22 were really busy and in a way that made you feel  
23 pressured to get back to work?

24 A. In -- not in -- not so much in a text message.  
25 In the e-mails, she stated on a call with me -- we had

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1 regularly scheduled calls where I would provide her  
2 updates on where I was at on things and things that  
3 Kristin would need to pick up or Chris. And she made  
4 the comment to me, "I need you to help Kristin with  
5 this or to take on these responsibilities because  
6 Kristin has to focus her attention on these other  
7 things."

8 And it was conversations like that that  
9 made me feel like I needed to get back because, again,  
10 I just -- I felt pressured like I was being put on the  
11 spot because my workload wasn't getting done or it was  
12 becoming burdensome or cumbersome on my peers. And she  
13 was looking out for their best interests and she needed  
14 me back to work so that I could relieve some of the  
15 workload off of them.

16 Q. Okay. And there was an e-mail exchange, you  
17 said, where she conveyed something like this to you?

18 A. Yes, ma'am.

19 Q. Do you recall approximately when that was? Was  
20 that -- let me narrow it a little bit. Was that after  
21 you had been released to do some part-time work from  
22 home?

23 A. Yes, ma'am.

24 Q. Okay. So you were already actively back  
25 performing some work when she was talking to you about

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1 relieving Kristin's workload; is that right?

2 A. Yes, ma'am.

3 Q. Okay. If you were released to -- already  
4 released to perform some work, why were you feeling  
5 pressure that she was trying to get you to come back to  
6 work sooner in that context?

7 A. Because that's how she made me feel, that she  
8 needed me there, she needed my presence. In the state  
9 -- in the phone conversation with her and Chris, she  
10 said, "Why can't you just come back to work and prop  
11 your leg up? You know, we have a trash can. We can  
12 put it under your leg and prop your leg up if that's  
13 what you need."

14 Q. She said that in the conversation where she and  
15 Chris contacted you --

16 A. Correct.

17 Q. -- about some activities -- personal activities  
18 you had been engaged in while you were on leave, right?

19 A. Yes, ma'am.

20 Q. I'm focusing on the conversation that the --  
21 the exchange where you said that she was asking you to  
22 basically take some load off of Kristin after you'd  
23 been released to return to perform part-time work. Why  
24 did you feel like she was pressuring you to return at  
25 -- at that time?

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1 restricted from going up the stairs. I had to remain  
2 on the -- the bottom floor because I couldn't take the  
3 elevator in the event of an emergency if it went out.  
4 I did still have to elevate my leg because of the  
5 swelling, and I was still seeing -- receiving treatment  
6 and therapy for my foot.

7 Q. Were you released in October to full-time work  
8 with those restrictions?

9 A. Yes. Yes, ma'am.

10 Q. Did anyone at the company do anything to  
11 interfere with the restrictions that you had when you  
12 returned to work, or were you able to -- to meet all of  
13 those restrictions?

14 A. No one interfered.

15 Q. And so when you were released to full-time work  
16 in October, did you and Melissa resume your discussions  
17 about your PIP at that time?

18 A. Yes, ma'am.

19 Q. Was your PIP extended?

20 A. As I recall, Melissa stated that we would  
21 resume on the PIP after I returned to work. And once I  
22 returned in October, we did resume conversations, and  
23 she commented that -- that she could see that I was  
24 making the necessary improvements. And I didn't think  
25 that there was any issue. I was delivering as

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1 expected, I was under the impression. That's why it  
2 was such a shock when I was terminated.

3 Q. And when you returned in October -- so you  
4 understood that your PIP was for a specific period of  
5 time, correct?

6 A. Correct.

7 Q. Do you know what that time was?

8 A. Three months.

9 Q. Okay. So it was supposed to last three months  
10 starting in June, but you went out on leave, correct?

11 A. Correct.

12 Q. When you returned in -- in October, was the PIP  
13 extended to account for the time that you were out on  
14 leave?

15 A. That was my understanding.

16 Q. Okay. And so the extended period of the PIP,  
17 what is your understanding as to when it was extended  
18 to?

19 A. I thought that I would have a full three months  
20 from the time that I went out at the end of June, when  
21 I was placed on the PIP, until I returned and could  
22 complete the three-month time frame in which I was told  
23 I would be given.

24 Q. Were you given a new end date for the PIP when  
25 you returned from leave in October?

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1 A. I don't recall. I bel- -- I believe so, but I  
2 -- I don't remember.

3 Q. Okay. You don't recall when that end date was?

4 A. No, ma'am.

5 Q. Okay. And so bet- -- when you were out on  
6 leave full time and the time you were released for  
7 part-time work, there was no issue at all between you  
8 and Melissa with respect to your PIP from your  
9 perspective. You guys didn't discuss it, and she did  
10 not bring it up; is that correct?

11 A. Correct. That's how I remember it.

12 Q. When you resumed the PIP when you returned in  
13 October, did you-all resume having regular meetings  
14 about the PIP to discuss your -- and check in on your  
15 performance?

16 A. Yes.

17 Q. Okay. Okay. I want to go -- I want to do this  
18 here.

19 (Marked Riley Exhibit No. 1.)

20 Q. (BY MS. WILLIAMS) I'm going to let your lawyer  
21 take a look at this really quickly, and then we'll pass  
22 that onto you.

23 A. Okay.

24 MS. SPROVACH: I've got one.

25 Q. (BY MS. WILLIAMS) Ms. Riley, we've handed you



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1 Q. Okay. Are there any parts of this document  
2 that you completed, or is this all information that  
3 Melissa completed, to your -- to your knowledge?

4 A. This is all information Melissa completed.

5 Q. Okay. Under the PIP, you were required to meet  
6 with Melissa on some -- a regular schedule to discuss  
7 your progress; is that right?

8 A. Yes.

9 Q. You-all -- did you-all have any meetings with  
10 respect to the PIP before you -- okay. After June 28  
11 but before you went out on leave, did you and Melissa  
12 have any meetings with respect to the PIP itself?

13 A. Not that I recall. I was told to provide a  
14 document that stated what I would do to correct her  
15 concerns that were placed in the PIP before my --  
16 before the date of -- of my surgery, before I went out  
17 or on that day, I believe, is what I recall. I had to  
18 provide that to her.

19 Q. And you submitted that to her?

20 A. Yes, ma'am.

21 Q. Did you-all meet and -- to discuss any of that  
22 before you went out, or did you just submit the  
23 document to her?

24 A. I just submitted the document per her request.

25 Q. Okay. And then when you came back from leave,

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1 how -- how soon after your return in October did  
2 you-all resume your meetings about the PIP?

3 A. I believe it was in -- maybe two weeks after I  
4 returned. It wasn't immediate that I recall.

5 Q. Were you responsible for scheduling meetings to  
6 review your progress on the PIP, or was Melissa  
7 responsible for that?

8 A. I believe I was responsible for that.

9 Q. How often were you supposed to meet with  
10 Melissa to discuss your progress on the PIP?

11 A. I believe it was weekly.

12 Q. And did you meet with her weekly?

13 A. As I -- I recall correctly, on -- when I  
14 returned, the week that I returned, she -- I went to  
15 schedule a meeting with her, and she told me, "Let's  
16 just hold off maybe another week or so," until I got  
17 settled in. And then I was told that I could go ahead  
18 and -- and schedule resuming our meetings.

19 Q. Okay. From that point when -- forward, when  
20 the meetings resumed until the time of your  
21 termination, did you meet with Melissa on a weekly  
22 basis to discuss your progress on the PIP?

23 A. Yes.

24 Q. Okay. Did anybody else attend those meetings  
25 with you and Melissa?

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1 execution of personnel announcements?

2 A. In the June 28th meeting?

3 Q. Yes.

4 A. I -- I do recall personnel announcements coming  
5 up in that discussion, and my response to her was there  
6 was only one personnel announcement that I could even  
7 recall at that time that she was able -- that was the  
8 only example that she was able to provide.

9 Q. Had you committed some error with respect to  
10 personnel announcements?

11 A. I believe -- I believe so. Again, it would  
12 have been a minor error, no different than any of my  
13 peers have ever had the same -- have ever committed  
14 with regard to personnel announcements.

15 Q. Okay. And do you recall there being multiple  
16 personnel announcements including with respect to an  
17 employee by the name of Azad Khan?

18 A. Azad, I don't recall exactly. He may have been  
19 one of the new grads or interns, but I don't recall. I  
20 don't recall making an error or -- or even the -- the  
21 situation around Azad's personnel announcement.

22 Q. What about Jeff Leblanc?

23 A. Jeff Leblanc, I don't recall that one either.

24 Q. Okay. You do recall there being some error on  
25 your part with respect to personnel -- at least one

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1 you ever prepare any -- any documents related to those  
2 weekly meetings to -- to go over your -- your  
3 performance?

4 A. I -- by habit, I took notes, so I would have  
5 spiral notebooks where I would take notes at every  
6 meeting based on the discussion between myself and  
7 Jennifer and my clients --

8 Q. Uh-huh.

9 A. -- or anyone else that I had discussions with.

10 Q. Okay. You mentioned something -- and we talked  
11 a little bit about the operations group and the  
12 technical group, but I don't think I've gotten it on  
13 the record clearly. At some point after Melissa became  
14 your supervisor, you were reassigned from the technical  
15 -- I'm sorry -- from the operations group to the  
16 technical group, correct?

17 A. Yes. Correct.

18 Q. Did -- was Melissa the person who informed you  
19 of that reassignment?

20 A. Yes.

21 Q. Did you have any problems or concerns or issues  
22 with that reassignment?

23 A. I was concerned because my background and  
24 experience speaks to operations. Even as a generalist  
25 I was well rounded with other client groups, but I was

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1 told by Julie that I was hired specifically to work  
2 with the operations group based on my background.

3 So I was a little bit concerned, and in  
4 conversations with Melissa, she stated it's just to  
5 give Jen -- to give Kristin Cothren an opportunity to  
6 see a different side, to give her developmental  
7 opportunity and an opportunity to give me exposure to  
8 another client group being technical.

9 It was never brought to me or explained  
10 that there were any issues in my performance and that's  
11 why I was being moved. Kristin explained the same  
12 thing to me because she was a little taken back. She  
13 had always had technical. She was comfortable with  
14 technical, and she confided in me that she had  
15 apprehensions about taking on operations because it was  
16 such a large client group and she never had to work  
17 with them.

18 Q. Okay. Did you at any point become aware that  
19 Melissa moved you to technical to -- to support the  
20 technical group for other reasons other than what  
21 you've just described?

22 A. No, ma'am.

23 Q. Okay. So to this day your understanding is  
24 that she moved you in order to give you an opportunity  
25 to develop your skills --

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1 A. My --

2 Q. -- see a new client group?

3 A. Yes, ma'am. My skills and as an opportunity  
4 for Kristin as well.

5 Q. Okay. When you were placed on the PIP, did you  
6 complain to anyone internally at CP Chem about the PIP?  
7 And let me -- let me kind of tighten that up a little  
8 bit.

9 I'm not talking about your peers. But in  
10 terms of making a formal complaint that you thought the  
11 PIP was unfair or inappropriate for any reason, did you  
12 raise any of those complaints when you were placed on  
13 the PIP?

14 A. Other than my peers, which I know I did have  
15 conversations with Kristin and Chris, I don't recall  
16 having conversations with anyone else just out of  
17 embarrassment and concern with the validity of it. I  
18 just wanted to execute on it and get it out of the way,  
19 get it behind me so that I wouldn't have to worry about  
20 it in my future going forward with the company. I had  
21 every intention on being with this company, retiring  
22 and -- and having a good long career with Chevron  
23 Phillips.

24 Q. So you never complained about the unfairness of  
25 the PIP to anybody formally at CP Chem; is that right?

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1       A.     And at that point in time I did communicate to  
2     Melissa that I was going to have to continue my therapy  
3     and that I had consulted with another doctor, and I was  
4     going to have to have the metal plate in my foot  
5     removed.

6                 And she knew exactly what was going to  
7     transpire and what would have to take place and that I  
8     would need potentially to be out on leave again to have  
9     it removed in December. And then at the end of  
10    November I was terminated.

11       Q.     Okay. When did you communicate with her about  
12    the procedure that was planned for December?

13       A.     When I got back.

14       Q.     So in October?

15       A.     Yes, ma'am.

16       Q.     Okay. And how did you communicate with her  
17    about that? In person, by e-mail, some other means?

18       A.     Both.

19       Q.     Okay. Did she respond to you?

20       A.     I believe she responded to the e-mail,  
21    but there were other things in that e-mail that I'm  
22    thinking about. And I know that she responded in the  
23    face-to-face meeting where I told her about it, and she  
24    said, "Okay." I did tell my peers as well so in -- you  
25    know, to prepare them that I would potentially have to

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1 he -- he pretty much -- Chris -- Chris was more quiet  
2 on the phone than Melissa. But he had -- he did  
3 interject and -- and just asked if I could understand  
4 how it is a concern for them.

5 Q. What did you respond? Did you -- did you  
6 understand how it might be a concern based on the  
7 information they had before they called you and their  
8 understanding about your medical leave, why there might  
9 be a concern about those activities?

10 A. Well, I thought that if there were a concern,  
11 that it would have been better received if she had, as  
12 my manager, had reached out to medical and found out  
13 what my restrictions were before I felt like I was  
14 being accused, falsely accused, and I felt like I was  
15 being interrogated.

16 Q. Did she raise her voice during the call?

17 A. It was elevated.

18 Q. Okay. She was yelling at you?

19 A. No. She wasn't yelling. But I could hear the  
20 concern and somewhat frustration in her voice.

21 Q. Okay. Generally, though, do you understand  
22 that the company would have an interest in  
23 understanding whether an employee who's out on leave is  
24 engaging in conduct that's consistent with the leave  
25 and the restrictions that the employee is on during the



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1 leave?

2 MS. SPROVACH: Objection to the extent an  
3 answer requires a legal conclusion; speculation,  
4 assumes facts not in evidence. Go ahead.

5 Q. (BY MS. WILLIAMS) You can answer. That's one  
6 of those times where she objects to it, and I told you  
7 you'd still be able to answer. So that's okay.

8 A. Okay. So I --

9 Q. You can answer the question.

10 MS. SPROVACH: You can -- I told you I  
11 will make it incredibly clear --

12 Q. (BY MS. WILLIAMS) Yeah. You'll know if she  
13 says don't answer.

14 A. Okay. I do feel that, again, my manager should  
15 have contacted medical and sought information on my  
16 condition and what my restrictions were before  
17 contacting me. I understand that there's things as a  
18 manager that you need to know, but there's also things  
19 as a manager that you don't need to know. And you  
20 should leave that to medical professionals to  
21 determine, and certainly I would never even in my roles  
22 as a manager, I would never call an employee and make  
23 them feel the way that I felt in that conversation.

24 Q. And my -- my question is a little bit  
25 broader. I understand that you have an issue, I guess,

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1 with the -- the method, right. You don't -- you take  
2 issue with the fact that Melissa contacted you and  
3 Chris contacted you to inquire about this, correct?

4 A. Correct. I have concerns.

5 Q. My question is: From the company's perspective  
6 -- Chevron Phillips is your employer -- do you  
7 understand that they had a legitimate interest to make  
8 sure that your activities during your leave were  
9 consistent with your leave and the medical restrictions  
10 that you were under during your leave?

11 MS. SPROVACH: Same objections.

12 A. I understand that there's a need for managers  
13 to know certain things, yes. But to be -- to accuse an  
14 employee of something and not have all the facts and  
15 information, I have concerns with that.

16 Q. (BY MS. WILLIAMS) Okay. Do you have concerns  
17 that Chevron Phillips Chemical, as your employer, would  
18 want to make sure that your conduct during your leave  
19 was consistent with the restrictions and the terms of  
20 your leave?

21 A. I do understand that. However, I wasn't doing  
22 anything inconsistent or that would have or should have  
23 made them believe that I was doing something under  
24 false pretenses or that would not have been acceptable  
25 or outside of my restrictions.

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1 leave?

2 MS. SPROVACH: Object -- objection,  
3 vague.

4 A. I -- I can't answer that question.

5 Q. (BY MS. WILLIAMS) Why not?

6 A. Can you repeat it? It was -- I don't know that  
7 I fully understand what you're asking.

8 MS. WILLIAMS: Can you read it back  
9 please?

10 (The requested portion was read back.)

11 Q. (BY MS. WILLIAMS) I can see why you might be  
12 confused about that, so I'm going to fix that.

13 A. Okay.

14 Q. Do you think that Chevron Phillips Chemical, as  
15 your employer, had an interest in confirming whether or  
16 not you were engaged in conduct that was consistent  
17 with the terms of your medical leave and your  
18 restrictions?

19 MS. SPROVACH: Same objection.

20 A. I -- I could understand the need to -- for my  
21 employer to want to ensure that I'm -- I'm following  
22 the requirements of my leave. However, I would expect  
23 my employer to do their due diligence and get the facts  
24 before they call just based on assumption and hearsay.

25 Q. (BY MS. WILLIAMS) Do you know whether -- did

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1 you ask Melissa or Chris whether or not they had done  
2 any other due diligence before they called you?

3 A. No. I didn't.

4 Q. Do you know whether they did before they called  
5 you?

6 A. No. I don't.

7 Q. And certainly apart from whatever due diligence  
8 you think they should have done, talking to you would  
9 have been another part of this process, right, to get  
10 your side of the story, correct?

11 A. Correct.

12 Q. Okay. You just think it should have been  
13 somebody other than Melissa and Chris to contact you to  
14 inquire about this, correct?

15 A. Correct. I -- I wouldn't advise my clients or  
16 managers. I completely advise against contacting an  
17 employee on an approved medical leave to question the  
18 validity of activities that they're engaged in,  
19 especially accusing -- in an accusing manner that  
20 they're doing something wrong.

21 Q. Okay. After the -- the call that you had with  
22 Melissa and Chris, did the issue about your activities,  
23 the Texans football game, your son's football game, or  
24 the -- the class reunion -- I understand that didn't  
25 come up necessarily in the conversation, but did -- did

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1 any of that surface again after this phone call?

2 A. No.

3 Q. Okay. And approximately when was the phone  
4 call?

5 A. I believe it was late September -- mid to late  
6 September.

7 Q. So they had this one phone call with you, and  
8 then after that one phone call, you never heard about  
9 this issue again; is that right?

10 A. Correct. Not from Chris or Melissa.

11 Q. From anyone?

12 A. There were discussions with my peers at the  
13 time.

14 Q. You had discussions with your peers about the  
15 phone call?

16 A. Yes.

17 Q. And when you say "at the time," what time are  
18 you talking about?

19 A. I believe it was a week or so after everything  
20 transpired.

21 Q. After the call transpired?

22 A. After, yes, ma'am.

23 Q. Were you back at work when these discussions  
24 happened, or were you still on leave?

25 A. I was still on leave.

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1 at home, working from home. So I did push --

2 Q. When were you supposed to return to work?

3 A. My doctor, Dr. Scott McKinney, wanted me to  
4 take another few weeks and return late October. But I  
5 pushed to return early October.

6 Q. Do you recall when you returned?

7 A. I believe it was October 4th, 2016.

8 Q. And that's when you were back in the office?

9 A. Yes, ma'am.

10 Q. Okay. Does October 11th sound more accurate to  
11 you?

12 A. Yes. I believe I was originally supposed to  
13 return October 4th, and my doctor didn't want to  
14 release me. And I pushed, and he said, okay,  
15 October 11th I could go back.

16 Q. Okay. And so your doctor thought you were  
17 physically capable of returning to work on October 11?

18 A. He didn't want me to return because I had a  
19 boot on my foot and he -- I was on blood thinners. And  
20 his concern was that if I fell, it could re- -- it  
21 could cause me further complications. And the foot was  
22 still swelling significantly. So he knew that there  
23 would be discomfort, and I was still on medication for  
24 pain at that time. And he didn't want me to operate a  
25 vehicle, but I can --

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1 Q. And he still released you to -- to return to  
2 work despite all of this -- these concerns?

3 A. I -- yes. I convinced him that I would take  
4 the pain medicine after I got off, and if it was  
5 unbearable that I could request to -- to leave early.  
6 And I did let Melissa know and UPMC that there may be  
7 times that even if I come in, if I started feeling bad,  
8 I would need to leave.

9 Q. And what did Melissa say about that?

10 A. I -- I believe she was okay with it. She was  
11 just glad that I was getting back into the office.

12 Q. Okay. Did Melissa ever request that you  
13 shorten your medical leave to return to work?

14 A. She did not request it.

15 Q. Did she ever demand it?

16 A. No. She did not demand it.

17 MS. WILLIAMS: Okay. Can we take a break  
18 so I can --

19 MS. SPROVACH: Sure.

20 THE VIDEOGRAPHER: We're off the record  
21 at 4:00 o'clock.

22 (Break.)

23 THE VIDEOGRAPHER: We are on the record  
24 at 4:17.

25 Q. (BY MS. WILLIAMS) Ms. Riley, do you recall --

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1 do you recall the date that you were informed of your  
2 termination?

3 A. I believe it was November 28th of 2016.

4 Q. Was that the last day that you worked --

5 A. Yes.

6 Q. -- at Chevron Phillips Chemical?

7 A. Yes, ma'am.

8 Q. Do you recall when your last PIP meeting was in  
9 relationship to the November 28th termination meeting?

10 A. I believe it may have been a week or two weeks  
11 before.

12 Q. The last -- do you have a recollection  
13 specifically of the last PIP meeting you had before the  
14 termination meeting? It coming to mind to you as we  
15 sit here today?

16 A. I remember that it was -- I think it was  
17 rescheduled because of one of the investigations or a  
18 meeting or something that Melissa had to attend, so we  
19 had to reschedule it. But I don't remember the context  
20 of the conversation.

21 Q. Okay. Did you-all have any discussions in that  
22 last meeting regarding the status of your performance  
23 in any of the areas identified in the PIP?

24 A. I don't recall that coming up in the  
25 conversation, although I made it a point in each of our



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1 meetings to request feedback from Melissa on how things  
2 were going and how I was progressing. And the feedback  
3 that I received was positive.

4 Q. Did you get any feedback at all that you  
5 thought was negative?

6 A. Not that I can recall.

7 Q. Do you recall having a discussion with Melissa  
8 sometime around November 14th where Melissa had  
9 requested that you give her specific and detailed  
10 information and numbers to support your efforts in --  
11 in certain areas with respect to your PIP items?

12 A. Numbers as in absences or hours or --

13 Q. Just anything where she was -- you -- you  
14 either had to report to her about, you know, the  
15 substance of -- or summary of the status of your  
16 activity in certain areas or the volume of -- of  
17 information that you were handling for certain items  
18 under the PIP?

19 A. I vaguely remember conversations about one of  
20 the investigations that I was working on and having to  
21 produce a lot of information on where we stood with the  
22 employee that was being investigated and a status  
23 update at that time. But that's the only thing that I  
24 recall at this time.

25 Q. Around the time of November 2016, were you

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1 talked to her face to face?

2 A. That may have been the case if that e-mail was  
3 sent stating that his injury had taken place the -- the  
4 day before. I just don't recall exactly.

5 Q. Okay. And then sometime around February 25th,  
6 you had an appointment with the hand surgeon. You  
7 notified her that you would have to take some time off  
8 for that?

9 A. Correct.

10 Q. And she approved that, correct?

11 A. Yes, ma'am.

12 Q. And you also at that time told her that you  
13 were going to be submitting a leave of absence request  
14 for March 7th due to you mom's procedure. She approved  
15 that as well, correct?

16 A. Yes, ma'am.

17 Q. And then on March 24th, 2016, you requested to  
18 leave early, and Melissa asked you to provide some more  
19 details about why you were leaving early. And you  
20 informed her that you had to take one of your pets to  
21 the vet; is that correct? Do you remember that?

22 A. Yes.

23 Q. And she approved that as well?

24 A. Yes. She did approve it, but I think there was  
25 some hesitancy even in that e-mail.

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1 Q. Right. And her hesitancy was trying to figure  
2 out what the -- why you would be leaving early because  
3 initially you did not inform her that it was related to  
4 your pet's issue, correct?

5 A. I believe so.

6 Q. Okay. And when she responded, she said it was  
7 okay for you to leave early to take care of your pet.  
8 Is that your recollection?

9 MS. SPROVACH: Can you show her the  
10 e-mail? Do you want --

11 MS. WILLIAMS: Yeah. Sure.

12 THE WITNESS: Yes.

13 (Marked Riley Exhibit No. 5.)

14 MS. SPROVACH: Thank you.

15 MS. WILLIAMS: Uh-huh.

16 Q. (BY MS. WILLIAMS) And it's two pages  
17 Bates-numbered Riley 26 and Riley 27.

18 A. Okay. Yes. That's correct. During that time  
19 Melissa was very, very hard to get in touch with. So  
20 she was either in her -- in meetings or her door was  
21 closed so it was hard for me to just go over and say,  
22 "Hey, Melissa, I have this going on." So I would try  
23 to send an e-mail or follow up with her whenever I  
24 could catch her. But, yes, I -- I did make that  
25 request, and she did approve it.

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1 A. No.

2 Q. And then when you revealed that it was in order  
3 to take your pet to the vet, she said that was fine?

4 A. Yes.

5 Q. Okay.

6 (Marked Riley Exhibit No. 6.)

7 Q. (BY MS. WILLIAMS) Let me just show you --  
8 maybe this'll be easier. Show you what's marked as  
9 Exhibit 6, and this is Riley 19 through 21 are the  
10 Bates numbers for Exhibit 6. You've had a chance to  
11 review?

12 A. Yes.

13 Q. And the subject of this e-mail string is "2016  
14 vacation requests." The first one starts  
15 February 19th, 2016, from you to Melissa where you're  
16 requesting a series of days off as vacation or leave,  
17 including March 16th and 17th, May 9th, 10th, and 11th,  
18 July 5th through August 1st for your surgery,  
19 November 21st, and 22nd, December 28, 29th, and 30th  
20 correct?

21 A. Correct.

22 Q. Okay. And then Melissa's response indicates  
23 that the March days were approved and she wanted  
24 information about coverage, correct?

25 A. Correct.

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1 Q. And then she was asking you to explain given  
2 the fact that you switched to a 9/80 schedule how that  
3 might have impacted the remaining dates, correct?

4 A. Correct. I was previously on a 9/80 schedule.

5 Q. Uh-huh.

6 A. But I changed --

7 Q. From --

8 A. -- the Fridays that I would be off.

9 Q. Okay. And you responded and you gave her  
10 information about coverage and the remaining days,  
11 correct?

12 A. Correct.

13 Q. She did -- then responded and said they were  
14 approved in -- on March 16; is that right?

15 A. Correct.

16 Q. And then it look like in May you were reminding  
17 her that you were going to be out for the May dates and  
18 her response was, "Thanks for the reminder. Enjoy your  
19 trip and time away. Safe travels," right?

20 A. Right.

21 Q. Okay.

22 (Marked Riley Exhibit No. 7.)

23 Q. (BY MS. WILLIAMS) Let me show you what's  
24 marked as Exhibit 7. And Exhibit 7 is Bates-numbered  
25 Riley 13.

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1 A. Yes.

2 Q. That e-mail is dated November -- the e-mail  
3 string is November 15th and 16th. Subject is "Doctor  
4 appointment Friday and vacation request." You're  
5 notifying her about a doctor's appointment that you  
6 have for that Friday and then a vacation request for  
7 December 22nd. She approved that as well, correct?

8 A. Correct.

9 Q. She said, "I appreciate the update"?

10 A. Correct.

11 Q. Okay.

12 (Marked Riley Exhibit No. 8.)

13 Q. (BY MS. WILLIAMS) Okay. Going to show you  
14 what's marked as Exhibit 8 to your deposition.

15 A. Uh-huh. Yes.

16 Q. Okay. And this e-mail is dated November 21st.  
17 It's a string between you and Melissa. Subject is "In  
18 early to leave early for doctor's appointment." Again,  
19 you're notifying her about a doctor's appointment that  
20 you had and that you would be -- need to leave the  
21 office early at 1:30 that day, correct?

22 A. Correct.

23 Q. She responded and said, "Thanks. I appreciate  
24 the update. I hope everything goes well today"?

25 A. Yes.

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1 Q. Okay. Why do you think Melissa was alienating  
2 you?

3 A. I don't know, other than the fact that I had  
4 communicated to Melissa that I was going to have a need  
5 to go out on leave in December. I -- I can't speak to  
6 why she was acting towards me the way that she did, but  
7 I did disclose that information and --

8 Q. Did she start treating you differently than she  
9 had treated you before when you told her you were going  
10 out on leave in December? Because my understanding is  
11 that your relationship with Melissa was always fairly  
12 difficult, right, that you felt like it was hard to --  
13 to please her, right?

14 A. Yes.

15 Q. At some point did that change, or was it pretty  
16 consistent throughout the -- the entire time that you  
17 were working for her that she treated you that way?

18 A. I believe -- I felt as though it got  
19 progressively worse.

20 Q. Okay.

21 A. And when I returned from leave, it worsened to  
22 the point that I just did not feel like she was going  
23 to let me successfully complete the performance  
24 improvement plan.

25 Q. Okay. And she didn't -- did she ever say

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1 Q. How was she picking on you regarding your work  
2 product when she was also giving you positive feedback  
3 about your work product in your PIP meetings?

4 A. It was very confusing to me as well. You tell  
5 me that -- when I ask that I'm doing a good job, but at  
6 the same time everything I give you, you're marking it  
7 up, you're changing it, and you're telling me that I  
8 need to do this different and when I do that, you tell  
9 me I need to do something else different. It  
10 definitely sent conflicting messages to me.

11 Q. Okay. And so just so that I'm clear, between  
12 October and November, she was giving you confusing  
13 messages because on the one hand she would tell you you  
14 were doing a good job but also during that time frame  
15 she was mark -- marking up your work product telling  
16 you to do things differently, expressing that she had  
17 issues with your work product?

18 A. She was expressing that -- yes. In a -- in a  
19 sense she was expressing that -- that she had concern,  
20 but I deemed it -- some of the stuff was very nitpicky  
21 and it just seemed like I was the target no matter what  
22 it was.

23 Q. And this is in the October/November time frame?

24 A. Yes.

25 Q. Okay. So things felt positive, but it also --



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1 she was also expressing that she had concerns that you  
2 thought were kind of nitpicky concerns; is that right?

3 A. Correct.

4 Q. What concerns did she express to you in this  
5 time frame that you thought were nitpicky?

6 A. I think having me -- I have conducted several  
7 other investigations through the course of my time  
8 there and even under her direction, and at no point did  
9 she ever express concerns with the investigations that  
10 I conducted.

11 However, after I returned from leave, she  
12 assigned me to certain investigations, a couple of  
13 investigations, that no matter how many times I  
14 presented information to her, she scrutinized it and  
15 changed it and expected me to make the changes that she  
16 recommended. And then when I made those changes, she  
17 would come back to me and say, "That's not what I  
18 wanted. I want it done this way." And I was  
19 constantly having to go back and forth. I just --

20 Q. Okay. So that -- that's an area then between  
21 October and November where Melissa was expressing that  
22 she still had some issues with your performance. I  
23 understand that you don't agree with -- with what she  
24 was saying, but she did share that with you in the  
25 October/November time frame, correct?

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1 MS. SPROVACH: Objection, vague.

2 Objection, asked and answered.

3 A. She did communicate that -- she did communicate  
4 that I wasn't delivering on the investigations as she  
5 would have liked to see it. But I was making those  
6 corrections per her recommendation.

7 And I just felt as though she was not --  
8 I -- I felt as though she was treating me differently  
9 than my peers. And I -- I didn't understand why. And  
10 that specifically was not mentioned in my performance  
11 improvement plan or anything that I needed to deliver  
12 on related to the performance improvement plan.

13 Q. (BY MS. WILLIAMS) So you knew before your  
14 termination that Melissa had issues with the way that  
15 you were delivering on one or more of the  
16 investigations that you were handling at the time,  
17 correct?

18 MS. SPROVACH: Objection, form and  
19 objection, vague.

20 A. I -- I mean, I can't speculate. I mean, she  
21 didn't tell me that -- specifically that it was an  
22 issue. However, she would mark up the work product and  
23 just expect that I would make the corrections and then  
24 she would change what she was asking me to do.

25 Q. (BY MS. WILLIAMS) Okay.

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1 A. So I was just confused by her expectations at  
2 that point.

3 Q. And you said she communicated that you were not  
4 delivering on the investigation. She communicated that  
5 to you in some form before your termination, correct?

6 A. Yes.

7 Q. Okay. Do you know which investigation that was  
8 regarding? Was that the lab investigation?

9 A. I believe it was.

10 Q. Do you recall there being an issue with the lab  
11 investigation where the employee who actually made the  
12 complaint had not been interviewed in a timely fashion  
13 and, in fact, numerous other witnesses had been  
14 interviewed before the complaining party had actually  
15 been interviewed? Do you recall that being an issue?

16 A. No.

17 MS. SPROVACH: Objection, no foundation,  
18 calls for speculation, assuming facts not in evidence.

19 Q. (BY MS. WILLIAMS) Was that an issue?

20 A. It was not communicated to me that that was an  
21 issue.

22 Q. Was it the case that the complaining party was  
23 not interviewed until multiple other witnesses had been  
24 interviewed regarding the investigation?

25 A. Can you tell me who the complaining party was

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1 where she expressed any concern that she had that you  
2 thought was nit -- nitpicky?

3 A. No. I don't -- I don't recall any other  
4 concerns.

5 Q. There were no other concerns at all or just no  
6 other that you thought were nitpicky?

7 A. I don't -- I don't recall any other concerns.

8 Q. Okay. After you were terminated, did you reach  
9 out to anyone at the company to make a complaint about  
10 your termination?

11 A. After my termination --

12 Q. Yes.

13 A. -- did I reach out? I did.

14 Q. Do you recall to whom you reached out to  
15 complain about your termination?

16 A. I reached out to EthicsPoint, and I reached out  
17 to the CEO at that time.

18 Q. Who's the CEO at the time? Pete Cella, does  
19 that sound familiar?

20 A. Yes.

21 Q. Okay. When you submitted the EthicsPoint  
22 complaint and then your -- you reached out to Pete  
23 Cella in writing, correct?

24 A. Yes.

25 Q. Okay. Was that by e-mail or some other form?

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1 A. It was some other form.

2 Q. What was that?

3 A. LinkedIn.

4 Q. Okay. When you -- and your EthicsPoint  
5 complaint, was that in writing, online, or was that a  
6 phone message where you submitted the complaint? What  
7 form was the EthicsPoint complaint?

8 A. That was a phone message.

9 Q. Okay. In your EthicsPoint complaint and then  
10 in your communication to Pete Cella, did you identify  
11 for the company the fact that you thought Melissa had  
12 treated you unfairly, and is that what you were  
13 complaining about essentially?

14 A. There were a number of things that I complained  
15 about.

16 Q. Do you recall what some of those were?

17 A. The fact that I had been terminated and I was  
18 still on a family medical leave intermittently. I  
19 believe I mentioned the performance improvement plan.  
20 I believe that I mentioned the fact that I was treated  
21 differently from my peers. And I -- I don't recall  
22 anything else.

23 Q. Do you recall offering a reason that you  
24 thought you were treated differently from your peers?

25 A. In the EthicsPoint, or are you referring to in

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1 my communication to Pete Cella?

2 Q. In both. But we can take them one at a time.  
3 In your EthicsPoint did you -- did you indicate that  
4 you thought you were treated differently from your  
5 peers?

6 A. I don't -- I don't believe I did.

7 Q. In your communication with Pete Cella, did you  
8 indicate that you thought you were treated differently  
9 than your peers?

10 A. I did indicate that I thought I was treated  
11 differently than my peers. I don't recall if I stated  
12 a specific reason as to why.

13 Q. What was the reason at the time that you  
14 thought you were treated differently than your peers,  
15 if you had one?

16 A. Just based on the -- Melissa's response to me,  
17 leaving me out of meetings, not speaking to me when she  
18 would go around and make her rounds. There were  
19 various reasons that I thought that -- or I felt that I  
20 was being treated differently than my peers.

21 Q. Do you recall indicating to Pete Cella and then  
22 in connection with the EthicsPoint complaint that you  
23 thought Melissa was treating you differently because of  
24 your race?

25 A. I felt that I was discriminated against.

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1 Q. Because of your race?

2 A. I felt that that could have had something to do  
3 with it.

4 Q. What else could have had something to do with  
5 it?

6 A. The fact that I had raised concerns that I  
7 would need to go back out on medical leave of absence,  
8 and I had been aware that there were other former  
9 employees that had gone out on leave and were  
10 terminated from the company upon return or soon after  
11 they returned.

12 Q. These were employees that Melissa supervised?

13 A. No.

14 Q. Okay. Other employees in other departments of  
15 the company?

16 A. Correct.

17 Q. Okay. Okay. So your recollection is that you  
18 indicated that you thought you were being treated  
19 differently because of your race, right?

20 A. I thought I was being treated differently  
21 because of that. I was being discriminated against and  
22 because I raised concerns about needing to be out again  
23 on leave for a family medical leave.

24 Q. Okay. When you communicated with Pete Cella  
25 and then when you left the EthicsPoint complaint, did

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1 Q. And you have an FMLA retaliation claim. Is  
2 that your understanding?

3 A. Correct.

4 Q. So can you please share with us what you're  
5 claiming the company did wrong with respect to your  
6 FMLA interference claim?

7 MS. SPROVACH: Objection to the extent  
8 the answer requires a legal conclusion. Those two  
9 answers to those two claims are what we've been doing  
10 for the last seven hours.

11 Q. (BY MS. WILLIAMS) Right. How did the company  
12 interfere with your FMLA rights, from your perspective?

13 MS. SPROVACH: Objection to the extent  
14 the answer requires a legal conclusion. Objection to  
15 the extent it's been asked and answered.

16 Q. (BY MS. WILLIAMS) You can answer.

17 A. I feel like there was a violation of my FMLA  
18 rights.

19 Q. In what respect?

20 A. In that I was terminated, and the basis was  
21 that I asked for -- or I made it known that I was going  
22 to have to go back out on FMLA. And I felt that that  
23 was the reason for my termination.

24 Q. So your complaint with respect to the FMLA  
25 violation is that you were terminated after you made it



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1 known that you were going back out on FMLA leave?

2 MS. SPROVACH: Objection to the extent  
3 the answer requires a legal conclusion. Objection to  
4 the extent the question is asked and answered.

5 A. I'm sorry. I'm at a loss for -- can you repeat  
6 the question?

7 Q. (BY MS. WILLIAMS) You think that you were  
8 terminated -- is it your contention in this lawsuit  
9 that the company terminated you because you made it  
10 known that you were going to be back out on FMLA leave  
11 in December of 2016?

12 MS. SPROVACH: Objection to the extent  
13 the answer requires a legal conclusion.

14 A. I feel as though that was the reason -- primary  
15 reason for my termination.

16 Q. (BY MS. WILLIAMS) That you had requested to go  
17 back out on leave in December of 2016?

18 MS. SPROVACH: Objection, asked and  
19 answered. Objection, calls for a legal conclusion.

20 A. I -- I just -- I feel that there was a  
21 violation of my FMLA rights.

22 Q. (BY MS. WILLIAMS) Okay. And you -- you said  
23 that you think the primary reason was because you were  
24 going to go back out on FMLA leave in December. You --  
25 you called -- you described that as the primary reason;

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1 is that right?

2 MS. SPROVACH: Objection, the testimony  
3 will speak for itself. Objection, it calls for a legal  
4 conclusion. Objection, speculation.

5 A. I -- I feel like there was a violation of my  
6 FMLA rights.

7 Q. (BY MS. WILLIAMS) I get that and -- but what I  
8 want to understand is you said that the re- -- the fact  
9 that you were going to go back out on leave was a  
10 primary reason. Are there other reasons that you think  
11 that the company violated your FMLA rights?

12 MS. SPROVACH: Objection, calls for a  
13 legal conclusion. Objection, asked and answered. Go  
14 ahead.

15 A. I -- I don't want to speculate as to why --  
16 what Melissa's intentions were with my termination. I  
17 feel that it was unfair. I -- I feel that it -- it was  
18 a violation of my protected right.

19 Q. (BY MS. WILLIAMS) Okay. And what -- the  
20 violation was the fact that you were terminated?

21 A. The vi- --

22 MS. SPROVACH: Objection, calls for a  
23 legal conclusion. Objection, asked and answered.  
24 Pretty soon I'm going to instruct her not to answer it.

25 MS. WILLIAMS: I'm just trying to --

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1 MS. SPROVACH: She's answering them.

2 Q. (BY MS. WILLIAMS) Right. And what I want to  
3 understand is this: You're complaining about the fact  
4 that you were terminated, correct?

5 A. I'm -- my complaint is the fact that I was  
6 terminated and I was on a protected leave.

7 Q. Okay. So you were terminated on a protected  
8 leave, and you think that's a violation of your FMLA  
9 rights. I'm not asking you to -- to make any  
10 conclusions about the law. In terms of the facts,  
11 that's your complaint in this lawsuit or at least one  
12 of them; is that right?

13 MS. SPROVACH: The question inherently  
14 asks for a legal conclusion, so therefore I'm going to  
15 object. The question has been asked and answered.

16 A. I -- I -- I feel that there was a violation of  
17 my FMLA rights.

18 Q. (BY MS. WILLIAMS) By terminating you?

19 MS. SPROVACH: Objection, asked and  
20 answered. Objection, calls for legal speculation.

21 THE WITNESS: I mean, do I have to  
22 answer?

23 MS. SPROVACH: You can answer to the best  
24 of your abilities even though you've answered it --  
25 answered it several times.

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1       A.     Okay.  I -- I just feel like there was a  
2     violation of my FMLA rights, and I don't feel that it  
3     was just and fair, my termination.

4       Q.     (BY MS. WILLIAMS)  Okay.  Other than your  
5     termination, do you think the company did anything else  
6     that violated your FMLA rights that you're complaining  
7     about in this lawsuit?

8               MS. SPROVACH:  Objection, calls for a  
9     legal conclusion.

10      A.     I -- again, I feel that my FMLA rights were  
11     violated and I was wrongfully termi- -- terminated.

12      Q.     (BY MS. WILLIAMS)  Other than being wrongfully  
13     terminated, did -- did your FMLA -- FMLA rights get  
14     violated in any other way as far as your complaints in  
15     this lawsuit are concerned?

16               MS. SPROVACH:  Objection, calls for a  
17     legal conclusion.  Objection, asked and answered.

18      A.     I'm not sure how else you want me to answer the  
19     question.

20      Q.     (BY MS. WILLIAMS)  I don't have -- honestly, I  
21     don't have a specific way I want you to answer it.  I'm  
22     just trying to understand -- in preparation for the  
23     defense in this case I just want to understand  
24     everything that you're saying the company did wrong.  
25     The termination obviously is one thing, right?

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1 A. Right.

2 Q. Is there anything else that you think that the  
3 company did wrong that you're complaining about under  
4 the FMLA?

5 MS. SPROVACH: Objection, asked and  
6 answered. Objection, calls for legal conclusion.

7 A. I -- I felt to some extent I -- I was  
8 discriminated against and that my FMLA rights were  
9 violated.

10 Q. (BY MS. WILLIAMS) Discriminated against for  
11 what?

12 A. On the basis that I needed to take another  
13 leave of absence for FMLA.

14 Q. Okay.

15 A. And I feel as though I was treated differently  
16 from my peers during the course of my employment under  
17 Melissa Simpson's direction.

18 Q. Okay. Anything else that you're going to  
19 contend that the company did wrong with respect to your  
20 FMLA claims?

21 MS. SPROVACH: Objection, calls for legal  
22 conclusion.

23 A. There -- there -- there may be other things.  
24 As of right now, I can't recall anything specifically.

25 Q. (BY MS. WILLIAMS) And I know your lawyer is

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1 of the right pages there for you. Yeah.

2 MS. SPROVACH: Thank you.

3 Q. (BY MS. WILLIAMS) Okay. I'm showing you  
4 what's been marked as Exhibit 9 to your deposition.  
5 After you've had a chance to look at that, let me know.

6 A. Okay. Okay.

7 Q. Do you recognize the document that's been  
8 marked as Exhibit 9?

9 A. Yes.

10 Q. What is that document?

11 A. This is the educational fund application for  
12 tuition reimbursement.

13 Q. Okay. And that reflects -- your signature is  
14 reflected in the middle of the document or a little bit  
15 above the middle of the document dating -- dated  
16 2/23/15; is that right?

17 A. Correct.

18 Q. Did you read the terms of this document and  
19 this application before you signed it?

20 A. I did read the information presented here that  
21 I signed off on, and I -- I don't recall if I read the  
22 -- the document in its entirety.

23 Q. What doc- -- you mean the educational refund  
24 policy that's attached?

25 A. The -- yes.

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1 Q. Have you repaid Chevron Phillips Chemical any  
2 money that was paid on your behalf pursuant to this  
3 educational refund application?

4 A. No.

5 Q. Is it your position that you do not owe them  
6 any repayment on the educational refund?

7 A. That is my position. At the time when I  
8 terminated, Melissa stated that if I signed the  
9 severance, I would not be expected to pay back any  
10 portion of the tuition reimbursement and I would be  
11 paid out my vacation at that time. I did not want to  
12 sign the severance agreement without consulting with my  
13 attorney, so I didn't sign at the time that she was  
14 trying to get me to sign it.

15 Q. Okay. If you had signed the severance  
16 agreement, one of the terms of that is that the company  
17 would forgive the educational refund loan, correct?

18 A. Correct.

19 Q. That's what was presented to you?

20 A. Correct.

21 Q. You ultimately did not accept any of the terms  
22 of the severance agreement, correct?

23 A. Correct.

24 Q. Including the offer to waive the educational  
25 refund loan?

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1       A.     I wanted to consult with my attorney first, and  
2     my understanding was that -- it was communicated to me  
3     that, voluntarily, if I terminate or for any other  
4     reason -- I didn't have any reason to believe that I  
5     would be expected to pay it back if I involuntarily  
6     terminated, if I was terminated from the company.

7       Q.     Okay. That was your understanding. I'm just  
8     trying to confirm you ultimately never accepted the  
9     offer that the company made to waive the educational  
10    loan that was presented as a part of the severance  
11    agreement, right, because you never signed the  
12    agreement, right?

13      A.     I never signed the agreement because I wanted  
14    to consult with my attorney first.

15      Q.     Fair enough. And therefore any discussions  
16    that you had with -- with Melissa with respect to  
17    possibly waiving the educational refund loan, that  
18    essentially became moot because you never agreed to any  
19    of those terms in the severance agreement?

20      A.     I didn't sign it at the time that she presented  
21    it to me, correct.

22      Q.     Okay. And you didn't otherwise agree to -- to  
23    any of the terms, correct, at any point of the  
24    severance?

25      A.     Correct.



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1 Q. Okay. Anything else you can think of?

2 A. Not at -- no.

3 Q. Okay. When you returned from your FMLA leave,  
4 you returned to your same position with your same  
5 duties, correct?

6 A. Correct.

7 MS. WILLIAMS: Okay. Okay. I'll pass  
8 the witness.

9 E X A M I N A T I O N

10 BY MS. SPROVACH:

11 Q. Ms. Riley, I joke, but I do talk faster than  
12 just about anybody. So if you need me to repeat  
13 myself, just let me know.

14 A. Okay.

15 Q. And I will try to slow down. When you were  
16 terminated, were you on FMLA?

17 A. Yes.

18 Q. When you were terminated, had you again  
19 requested FMLA?

20 A. Yes.

21 Q. Were you able to take that second FMLA right  
22 before you were fired?

23 A. Yes.

24 Q. The one before you were terminated?

25 A. No. I'm sorry. I misunderstood. No. I was

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1 A. Yes.

2 Q. Was there a written policy that you know of in  
3 terms of what order you must conduct an investigation?

4 A. No. I'm sorry. Can you restate that question?

5 Q. Sure. When you were conducting an  
6 investigation, was there a policy that required you to  
7 question the complaining witness first?

8 A. No.

9 Q. When you requested your FMLA at the company,  
10 who did you make the request to?

11 A. UPMC.

12 Q. And who's UPMC?

13 A. The third party.

14 Q. Okay. And did the third party -- were you  
15 required to keep the third party updated as to your  
16 leave?

17 A. Yes. As well as my manager, Melissa Simpson.

18 Q. Okay. And did you do that?

19 A. Yes.

20 Q. Were you required to give your medical illness  
21 specifics or your requests for any accommodations to  
22 your supervisor or to a third party or to someone like  
23 a company doctor?

24 A. Was I required to give my medical restriction  
25 specifics to anyone --

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1 A. Correct.

2 Q. Okay. And -- and in that respect, notifying  
3 and talking to Melissa was an appropriate thing to do,  
4 right?

5 A. Correct.

6 Q. Okay.

7 A. And that is what I did.

8 Q. Right. And then she responded to you on each  
9 occasion?

10 A. Yes.

11 Q. Okay. I think you -- you testified that you  
12 think that you were terminated with two months left on  
13 the PIP. You were terminated on November 28th,  
14 correct?

15 A. Correct.

16 Q. And I think we talked about this earlier. The  
17 PIP was extended through sometime in December, correct?

18 A. Correct. But during the time that I took the  
19 leave I was told that it would be extended and the  
20 additional time that I had not completed would be  
21 allowed for me to complete the requirements of the PIP.

22 Q. It was extended, though, when you returned from  
23 leave, right?

24 A. It was extended.

25 Q. Okay. And when you received the PIP document,

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MALIKA RILEY )  
Plaintiff, )  
V. ) Civil Action No.  
 ) 4:17-cv-01332  
CHEVRON PHILLIPS CHEMICAL )  
CORPORATION, LP )  
Defendant. ) JURY DEMANDED

\*\*\*\*\*

THE STATE OF TEXAS:  
COUNTY OF HARRIS:

I, Kathleen Rossi Tyler, a Certified  
Shorthand Reporter in and for the State of Texas,  
hereby certify to the following:

That the witness, MALIKA RILEY, was duly  
sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony given  
by the witness;

That examination and signature of the  
witness to the deposition transcript was waived by this  
witness and agreement of the parties at the time of the  
deposition;

That the original deposition was  
delivered to MS. MARLENE C. WILLIAMS;

That the amount of time used by each  
party at the deposition is as follows:

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1 MS. ELLEN SPROVACH - 0:16

2 MS. MARLENE C. WILLIAMS - 6:28

3 I further certify that I am neither  
4 counsel for, related to, nor employed by any of the  
5 parties or attorneys in the action in which this  
6 proceeding was taken, and further that I am not  
7 financially or otherwise interested in the outcome of  
8 the action.

9 GIVEN UNDER MY HAND AND SEAL OF OFFICE,  
10 on this, the 31st day of January, 2019.

11  
12   
13

14 KATHLEEN ROSSI TYLER  
15 TEXAS CSR NO. 8874  
Expiration Date: 12-31-19

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